

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Civil Revision No.2162 of 2016

Date of decision : 28.03.2016

Dinesh Sharma

.....Petitioner

Versus

Poonam Sharma

...Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Rajeev Gupta, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 05.03.2016, passed by learned Additional District Judge, Chandigarh, whereby the application moved by the petitioner under Order 18 Rule 17-A read with Section 151 of the Code of Civil Procedure, 1908 for recording the statement of minor Hitesh Bhardwaj has been dismissed.

2. Learned counsel for the petitioner contended that in the divorce petition filed by the petitioner, the respondent-wife has taken the

specific plea that she and her son Hitesh Bhardwaj were treated with cruelty by the petitioner. It is alleged that the petitioner had even given beatings to Hitesh Bhardwaj and he was medico legally examined. He contended that examination of Hitesh Bhardwaj the son of the parties is very essential to arrive at the just conclusion of the case. Thus, he contended that the application moved by the petitioner has been wrongly dismissed by the learned trial Court.

3. I have duly considered the aforesaid contentions.

4. The petitioner has filed the divorce petition against respondent Poonam Sharma, his wife. Hitesh Sharma, who is sought to be examined, is the son of the petitioner as well as the respondent. At the time of the arguments, learned counsel for the petitioner has stated that the age of said Hitesh Bhardwaj is about 12 years and is now residing with the petitioner. It appears that the petitioner wants to use the minor child to settle the score with his wife. All the allegations raised by the petitioner were well known to the petitioner. He has availed 27 opportunities to produce his evidence. No explanation has been given by the petitioner as to why he could not lead this evidence earlier. The learned trial Court has categorically observed that the additional evidence sought to be led is not necessary for the pronouncement of the judgment or any other substantial cause. Moreover, the minor child should not be made a tool in the hands of rival parents to settle their score.

5. Thus, I do not find any illegality in the impugned order passed by learned trial Court.

6. Consequently, the present petition, having no merits, is hereby dismissed.

28.03.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**