

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

Civil Revision No.3109 of 2016 (O&M)

Date of Decision: 06.05.2016

Dinesh Sharma

....Petitioner

Vs.

Poonam Sharma

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajeev Gupta, Advocate
for the petitioner.

Amol Rattan Singh, J (Oral)

Learned counsel for the petitioner submits that the petitioner was not given any opportunity to file an application under Order 18 Rule 17A CPC earlier to March 2016, i.e. after another application seeking to examine his minor son as a witness, was dismissed, and in any case not before December 2015, when the respondent herein, i.e. the wife of the petitioner, testified before the Court below on 05.10.2015.

Hence, he submits that the learned Court below has wholly erred in holding that the application is only a delaying tactic.

Having considered the argument of the learned counsel for the petitioner, it is seen that first of all even in his cross-examination, as noticed by the learned Court below, the petitioner had been put a question with regard to the mobile number of Preeti Sharma, i.e. the person whom he now wishes to examine by the application moved under Order 18 Rule 17A CPC (which has been dismissed by the impugned order). He had also been questioned as to whether he had taken her to visit his sons' school, to which

he replied in the negative.

Other than that, the statement of the respondent, Poonam Sharma, in support of which she stood testimony, is admittedly dated 05.10.2015, in which specifically, in paragraph 13 thereof, an allegation was made that the petitioner was having relations outside wedlock with the aforesaid Preeti Sharma.

Hence, as to why the application for examining Preeti Sharma is coming only in March, 2016, after all evidence has been closed and only final arguments are to be addressed on 09.05.2016, is something which is wholly not understood.

Hence, I have no reason to differ with the findings of the learned Additional District Judge, U.T., Chandigarh, to the effect that the application only is, as a matter of fact, a delaying tactic.

Consequently, this petition is dismissed in limine, with no order as to costs.

May 06 , 2016

vcgarg

**(AMOL RATTAN SINGH)
JUDGE**