

CR-3005-2014

228

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

CR No.3005-2014

Date of decision:19.01.2016.

Jasbir Kaur

.....Petitioner

VERSUS

Avtar Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Satbir Gill, Advocate,
for the Petitioner.

Mr. P.K.S.Phoolka, Advocate
for the respondent.

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

REKHA MITTAL, J.

The present petition has been directed against the order dated 16.04.2014 (Annexure P-1) whereby the Additional District Judge, Sirsa has allowed the application filed by the respondent-husband for his examination as a witness in proceedings for divorce filed by him under Section 13 of the Hindu Marriage Act 1955 (in short 'the Act').

Learned counsel for the petitioner submits that the respondent-husband had been attending to the proceedings in person but did not chose to appear in the witness box for the reasons best known and ultimately his evidence was closed by order of the Court passed on 11.03.2014. It is further argued that as the respondent has already availed number of effective opportunities to adduce evidence, there was no reason for the trial

CR-3005-2014

court to allow another opportunity to the respondent to examine himself.

Learned counsel for the respondent, on the contrary, has supported the order passed by the trial court with the submissions that a serious prejudice is likely to be caused to the respondent-husband in case he is not permitted to examine himself to prove the grounds of divorce.

I have heard the counsel for the parties, perused the records but do not agree with the contentions of the petitioner.

Be that as it may, it remains an admitted position of the case that the respondent-husband was present in person before the trial court wherein the parties were also referred to the Mediation and Conciliation Centre for reconciliation. The respondent or his counsel may be remiss to examine the respondent as a witness but in view of the fact that a serious prejudice is likely to be caused to the respondent in case he is not allowed to examine himself, I do not find any reason to intervene in the order passed by the trial court. This apart the rules of procedure are handmaid of administration of justice and the same are to be applied to advance the cause of justice and not to scuttle it.

In view of the above, I find no merit in the petition and accordingly the same is dismissed. However, the respondent-husband shall pay Rs.5,000/- as costs including the costs awarded by the trial court.

19.01.2016

Sunil Devi

(REKHA MITTAL)

JUDGE