

Civil Revision No.5601 of 2015

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

Civil Revision No.5601 of 2015

Date of decision: 06.01.2016

Harveen Kaur

....Petitioner

Versus

Rakesh Kumar and other

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

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

Present: - Mr. H.S. Oberoi, Advocate, for the petitioner.
Mr. Rakesh Chopra, Advocate, for respondent No.1.
Mr. Atul Jain, Advocate, for respondent No.2.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 29.10.2014 passed by learned Additional District Judge, Patiala, whereby *ex parte* order passed by the same Court has been set aside.

Brief facts of the case are that respondent No.2 filed petition under Section 13(1)(i)(ia) of the Hindu Marriage Act, 1955 against the petitioner (wife of the petitioner) and respondent No.1 on the ground that petitioner is living in adultery with respondent No.1. Respondent No.1 was proceeded against *ex parte* in the said petition by learned Additional District Judge. However, on an application moved by respondent No.1, *ex parte* order has been set aside by learned Additional District Judge

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vide order dated 29.10.2014. Hence, this revision petition.

Learned counsel for respondent No.1 states that he wants to lead evidence wherein he has summoned 15 witnesses. The apprehension of learned counsel for the petitioner is that summoning of 15 witnesses will delay the disposal of proceedings pending before the learned Additional District Judge.

The respondent cannot be restrained from leading the evidence. It is for the concerned party as to which evidence it wants to lead and the Court cannot force that particular type of evidence should or should not be led.

Be that as it may, present revision petition is dismissed. Learned trial Court shall afford four opportunities of not more than 15 days each to respondent No.1 within two months. No further opportunity shall be granted. The witnesses shall be summoned by respondent No.1 at his own risk and responsibility. Respondent No.1 can seek assistance of the Court for summoning the witnesses by dasti process. The case shall be decided preferably within a period of three months from the date of receipt of certified copy of this order.

(Paramjeet Singh Dhaliwal)
Judge

January 06, 2016
R.S.