

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.6204 of 2016

Date of Decision.21.09.2016

Reena wife of Hitesh Anand

.....Petitioner

Vs.

Hitesh Anand

.....Respondent

Present: Mr. Suveer Sheokand, Advocate
for the petitioner.

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the application for stay of divorce petition bearing No.84 of 2012 had partly been allowed, in essence, final order has been stayed on the premise that at the instance of the respondent-husband an FIR bearing No.86 dated 7.7.2012 under Section 302 IPC for allegedly committing murder of his father and daughter has been lodged and she is behind jail.

The divorce petition is also based upon the identical grounds alleging cruelty. He submits that the prosecution is taking long time in concluding evidence and it would seriously prejudice and affect the right of accused in the criminal case as she may not be subjected to cross-examination whereas she may be compelled to prove/disclose her defence in the divorce petition. In support of his contention, he relies upon judgment of Andhra Pradesh High Court in **K. Vasudeva Reddy Vs. Kambala Sivanageswarappa and others 2009(3) CivCC 214.**

In my view instead of staying the divorce petition for infinite period till the concluding of the criminal case, I deem it appropriate to direct the Criminal Court to expedite the disposal of the aforementioned criminal

case as expeditiously as possible, preferably within a period of three months and till then the adjudication of the petition bearing No.84 dated 21.12.2012 filed under the Hindu Marriage Act shall remain stayed. On conclusion of the criminal trial, stay granted by this Court would automatically stand vacated.

The revision petition is disposed of with the above directions.

(AMIT RAWAL)
JUDGE

September 21, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No