

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

**Crl. Misc. No. M-27316 of 2016
Date of decision:- 09.08.2016**

Lt. Col. Jeetinder Singh Hundal

...Petitioner

Versus

Babita Hundal

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Nitin Jain, Advocate
for the petitioner.

RITU BAHRI J.(Oral)

Challenge in the present petition is to the order dated 15.07.2016 (Annexure P-1) passed by learned Chief Judicial Magistrate, Mohali, vide which the defence evidence of the petitioner has been closed.

The defence of the petitioner has been struck off on the ground that petitioner had availed sufficient opportunities to produce the defence but he failed to conclude his evidence.

Learned counsel at the very outset stated that the complainant took 03 years to complete her preliminary evidence, as mentioned in para no. 5 of the petition and the case for the defence evidence was fixed on 10.02.2016 and only after 05 months of commencement of defence evidence, it has been closed, vide impugned order. Petitioner is seeking only one effective opportunity to lead his entire evidence in defence in the shape of examination of son of the parties, Mr. Kuber Inder Singh and also wants to bring in evidence the records of previous and pending litigation between

the parties.

Keeping in view the fact that the complainant took 03 years to complete her preliminary evidence, order dated 15.07.2016 (Annexure P-1) is hereby set aside and the instant petition is **allowed** and the petitioner is given one effective opportunity to lead his entire evidence in defence in the shape of examination of son of the parties, Mr. Kuber Inder Singh and can also bring in evidence the records of previous and pending litigation between the parties, subject to payment of Rs.2500/- as costs, which shall be deposited before the District State Legal Service Authority, Mohali.

August 09, 2016
G Arora

(**RITU BAHRI**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>