

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

**Crl. Misc. No.M-38480 of 2013
Date of decision : 27.01.2016**

Neela Rani

.....Petitioner(s)

Versus

Veena Devi

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.S. Swaich, Advocate
for the petitioner.

Mr. RBS Chahal, Advocate
for the respondent.

ANITA CHAUDHRY, J.

The petitioner had moved an application seeking exemption from personal appearance in the complaint case filed by Veena Devi. Veena had pleaded that she was married to Kuldeep and Kuldeep conducted second marriage with Neela without getting divorced. Neela is an Assistant Professor in D.A.V. College, Chandigarh. It is stated that it would be difficult for her to travel from Chandigarh to Charkhi Dadri. A prayer for exemption from personal appearance was made before the trial Court which was rejected. The order has been assailed in this petition.

The petitioner undertakes to appear in the Court below as and when directed by the Court. It is stated that she would give an undertaking that she will have no objection if the evidence is recorded in her absence.

I have heard both the sides.

Considering the circumstances set out in the petition and the fact that the petitioner will have to travel from Chandigarh to Charkhi Dadri, the petition is allowed and her personal appearance before the Court is exempted on the condition that the undertaking stated above is given. She would give her no objection to the evidence being recorded in her absence. Her counsel would appear on each date of hearing and would not seek adjournment. The petitioner would undertake to appear as and when required or directed by the Court below. It is stated that the case is still at the stage of charge. The presence of the accused would be required by the Court on that day. The petitioner would ensure her presence on the day the charge is framed.

The petition is disposed of.

27.01.2016
sunil

(ANITA CHAUDHRY)
JUDGE