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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2381 of 2014 (O&M)
Date of Decision: 26.04.2016

PREM PAL

.....Appellant

Vs

POOJA @ VIJAY

.....Respondent

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Bhag Singh, Advocate
for the appellant.

Mr. Yogesh Goel, Advocate
for the respondent.

M. JEYAPPAUL, J.(Oral)
CM-8556-CII-2014

Heard.

For the reasons set out in the application, the delay of 8
days in filing the appeal is condoned.

Application stands disposed of.

FAO No.2381 of 2014 (O&M)

Appellant-Prem Pal suffered a decree of divorce under
Section 13 of the Hindu Marriage Act, 1955, at the hands of the
respondent-wife. Hence the present appeal.

When the matter came up for hearing for the first time

on 07.05.2014, it was noticed in para 8 of the judgment pronounced by the trial Court that though RW-1 subjected himself for examination-in-chief, he failed to appear for cross-examination and, therefore, his evidence was closed by order of the Court. To clarify the position, we sought a report from the learned District Judge, Family Court, Sonapat.

The report submitted by the learned District Judge, Family Court, Sonapat discloses that the cross-examination of RW-1, the appellant herein, was in fact recorded on 02.12.2013, but unfortunately the same escaped the attention of the District Judge.

The judgment impugned was passed by the District Judge. Family Court, Sonapat completely ignoring the deposition of RW-1, the appellant herein, as the cross-examination of the RW-1 had escaped his attention.

In the above facts and circumstances, we are left with no other option except remanding the matter for fresh disposal.

Therefore, the impugned judgment passed by the learned District Judge, Family Court, Sonapat stands set aside. Consequently, the appeal is allowed. The District Judge, Family Court, Sonapat shall advert to the entire gamut of evidence adduced by the parties including the cross-examination portion of RW-1 and pass a judgment afresh within reasonable time

from the date of receipt of the judgment from this Court.

The learned District Judge shall also direct the appellant to pay the arrears of maintenance as determined by him in the application under Section 24 pending pronouncement of judgment afresh, as directed by this Court.

Both the parties shall appear before the District Judge, Family Court, Sonapat on 18.05.2016.

**(M. JEYAPPAUL)
JUDGE**

April 26, 2016
Atik

**(RAJ MOHAN SINGH)
JUDGE**