

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 123

Civil Revision No.3081 of 2017 (O & M)

Date of Decision: May 01, 2017

Amarjit Singh

..... PETITIONER

VERSUS

Kamaldip Kaur

..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

...

PRESENT: - Mr. Sanyam Malhotra, Advocate, for the petitioner.

. . .

Jaspal Singh, J

1. Challenge in this revision petition, preferred under Article 227 of the Constitution of India, is to order dated December 02, 2016 passed by the Additional District Judge, Jalandhar in HMA Petition No.1347 of 2015 instituted on October 09, 2015, whereby opportunity to cross examine the witnesses of the respondent has been foreclosed to the petitioner and cross examination has been treated as 'nil'.

2. A close scrutiny of the impugned order transpires that examination in chief of three PWs namely Kamaldip Kaur, Maha Singh and Lehmbur Singh was recorded by way of tendering their affidavits on September 06, 2016 but the respondent (petitioner herein) did not cross examine them. All the three witnesses came present for their cross

2016 but on these dates also, they were not cross examined by the petitioner. Even on the day the impugned order was passed, all the aforesaid three witnesses were present for the purpose of their cross examination but the petitioner sought an adjournment as usual. Not only this, he is not making the payment of arrears of maintenance. The aforesaid facts of the case clearly suggest that the petitioner has already availed sufficient opportunity for cross examination of the three witnesses but despite that fact, he has failed to cross examine them. Moreover, the witnesses cannot be equated with a culprit or accused who has to appear time and again in the court and it was the bounden duty of the petitioner to have cross examine them on the first date when they tendered their affidavits. They could be examined on a subsequent date if there was some difficulty in cross examining the witnesses on the said date. As many as five opportunities were afforded to the petitioner to cross examine Kamaldip Kaur, Maha Singh and Lehmbur Singh who remained present in the court on all the aforesaid dates. Such a conduct of the petitioner in non cross-examination of the witnesses is deprecable. The instant petition is nothing but appears to have been filed just to delay the disposal of matter pending before the Additional District Judge, Jalandhar.

3. In the light of what has been discussed above, finding no merit in the instant petition, the same is dismissed.

4. No order as to costs.

May 01, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No

