

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4259 of 2017
Date of Decision:- 05.07.2017

Sucheta

.....Petitioner

Versus

Ravinder Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satbir Rathore, Advocate, for the petitioner.

RITU BAHRI, J. (Oral)

Present revision petition under Article 227 of the Constitution of India for setting aside the order dated 17.05.2017 whereby application filed by the respondent for leading evidence has been allowed.

As is evident from the record that learned Additional Sessions Judge, Hoshiarpur, after taking into consideration the facts and all the contentions pertaining to appreciation of evidence, has allowed the application filed by the respondent, by virtue of order dated 17.05.2017, which in substance is as under: -

“I have given careful thought to the respective submissions and have very keenly gone through the evidence which has come on record. Respondent Sucheta while deposing as RW3, in her cross examination has taken a conflicting stand with regard to the statement recorded by the police in the enquiry. The copy of said statement has been placed on record as Mark RW3/X. The petitioner wishes to prove the said statement by summoning the original record and is well within his right to do so. No doubt, the petitioner

has already closed his evidence and even respondent has led her evidence, the enquiry report and the statements of respondent and other family members recorded during the enquiry proceedings are relevant for proper adjudication of present case. In these circumstances, it is deemed fit to allow the application filed by petitioner subject to ₹500/- as costs. Now for payment of costs and for evidence of petitioner, to come up for 6.7.2017. Summons of concerned official of Women Cell, Hoshiarpur for producing the requisite record/enquiry report be issued Dasti as requested by the petitioner.”

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the learned Additional Sessions Judge, Hoshiarpur, has rightly allowed the application filed by the respondent and has examined the matter in the right perspective, recorded the cogent grounds and correctly passed the impugned order. Such order, containing valid reasons, cannot possibly be interfered with by this Court, unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned order deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

July 05, 2017
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No