

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

**CR No.5878 of 2016
Date of Decision: 06.10.2017**

Meenakshi Sharma

.....Petitioners

Vs

Gopal Krishan Sharma

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Hardeep Singh, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 17.08.2016 passed by Additional District Judge, Patiala vide which application filed by the petitioner for recalling respondent/Gopal Krishan Sharma for further cross examination was dismissed.

[2]. Concededly, the evidence of the respondent has already been concluded and he was cross examined in detail.

[3]. Petitioner filed an application for recalling respondent/Gopal Krishan Sharma for the purpose of further cross examination. In the pleadings of the application, documents providing for new material facts to the petitioner have not been disclosed and the trial Court passed the

impugned order on the premise that since the alleged material facts have not been pleaded in the application, therefore the respondent cannot be subjected to any further cross examination on undisclosed pleadings.

[4]. In the present revision petition, the petitioner has pleaded that one Meena Kumari was nominated by the respondent in official documents with whom he was having alleged illicit relationship. The nomination of Meena Kumari has been shown in the shares as well as in the policy of medi-claim. On the aforesaid premise, indulgence of this Court is being sought for further cross examination of the respondent in order to put material documents to him.

[5]. Since the aforesaid documents have not been disclosed in the application filed before the trial Court and the impugned order appears to be justified on that aspect, however, keeping in view the nature of controversy involved in between the parties, wherein divorce is being sought by the husband on the ground of cruelty and the wife alleges cruelty vice-a-versa, it would be in the fitness of thing, if the trial Court is directed to take into consideration the pleas made herein in the petition for which petitioner shall move a comprehensive application before the trial Court, detailing all these facts. In the event of filing such an application, the trial Court shall decide the same in

accordance with law without being influenced by the impugned order.

[6]. Disposed of accordingly.

06.10.2017

Prince

Whether reasoned/speaking

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No