

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

CR No.7509 of 2017(O&M)

Date of decision: 1.11.2017

Sonia Sharma

.....Petitioner

VERSUS

Jatinder Sharma

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition directs challenge against 18.09.2017 passed by the Additional District Judge, Ludhiana whereby evidence of the petitioner was closed by order.

Counsel for the petitioner has submitted that the petitioner may be allowed one effective opportunity to examine two witnesses i.e. an Advocate and a servant. It is further submitted that in case the petitioner is not permitted to examine the witnesses, a serious prejudice may be caused to her in contesting plea of the respondent-husband for declaring marriage between the parties as null and void. Counsel would urge that the petitioner could not pursue the proceedings in an effective manner as she has two children aged 4 and 9 years born out of the wedlock and she is living alone.

I have heard counsel for the petitioner, perused the paper-book and the uncertified copies of zimini orders made available during the course of hearing.

The trial Court in the order dated 18.09.2017 has noticed that ever since 18.11.2015 case is pending for evidence of the petitioner (respondent therein). As many as 24 effective opportunities have been availed by her but she failed to conclude the evidence. Perusal of the zimini orders recorded by the trial Court makes it evident that the petitioner has availed of umpteen number of opportunities for adducing evidence but failed to produce any other evidence without any justifiable reason. Plea of the petitioner that she could not pursue the litigation properly as she has responsibility to look after two girl children born out of the wedlock gets falsified and belied from the fact that the petitioner remained present before the Court on number of occasions when her case was pending for evidence. Admittedly, the petitioner did not file an application for summoning any witness through process of the Court. In para 9 of the petition, there is not even reference to the name of Advocate or servant sought to be examined through the process of this Court but petitioner has failed to make out a case for finding any error in the order passed by the trial Court much less justifying her failure to produce the witnesses sought to be examined. It appears that the petitioner is interested to delay the proceedings for the reasons best known.

For the foregoing reasons, the petition fails and is accordingly dismissed in limine.

NOVEMBER 1, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no