

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

CR No. 8062 of 2016

DATE OF DECISION : 21.03.2017

Harmanjit Kaur @ Harmanjit Saini

.... PETITIONER

Versus

Paramjit Singh

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Anurag Arora, Advocate,
for the respondent.

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RAMESHWAR SINGH MALIK, J. (Oral)

Present revision petition, at the hands of wife who is respondent before the learned trial Court in a petition under Section 25 of the Guardians and Wards Act, 1890, is directed against the order dated 11.11.2016 (Annexure P-4) passed by the learned trial Court, whereby her evidence was closed by court order.

Notice of motion was issued. In the meanwhile, the learned trial Court was directed to adjourn the case beyond the date fixed before this Court.

Heard learned counsel for the parties.

A bare perusal of the impugned order would show that it is a totally non-speaking and cryptic order. Although availing six opportunities by the petitioner is not disputed by learned counsel for the petitioner before

this Court, however, he has tried to furnish plausible explanation contending that since it was basically a matrimonial dispute between husband and wife, parties were trying to settle the dispute amicably. This was the reason that the petitioner did not produce her evidence in time. Efforts for an amicable settlement made between the parties have also not been denied by learned counsel for the respondent. Having said that, this Court feels no hesitation to conclude that the learned trial Court ought to have granted at least one more opportunity to the petitioner to produce her evidence, instead of closing the same by court order.

Learned counsel for the respondent could not raise any meaningful argument in support of the impugned order, and rightly so, it being a matter of record. However, rules of procedure are meant for advancing the cause of justice. No prejudice was likely to be caused to the respondent-husband in granting one more opportunity to the petitioner herein to conclude her evidence. Under the normal circumstances, opportunity would have been provided to the petitioner-wife subject to payment of reasonable costs. However, keeping in view the peculiar facts and circumstances of the case in hand, and particularly the fact that the petitioner-wife is maintaining both the children, ends of justice will be met if one more opportunity is granted to her to conclude her entire evidence.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that since the impugned order passed by the learned trial

Court is a non-speaking and cryptic order, it cannot be sustained, and the present revision petition deserves to be accepted.

Consequently, the impugned order is hereby set aside. Learned trial Court is directed to grant one more effective opportunity to the petitioner-wife to conclude her evidence. Parties are directed to appear before the learned trial Court on 03.05.2017, as a slightly longer date has been prayed by learned counsel for the respondent-husband. Thereafter, the learned trial Court shall grant one effective opportunity to the petitioner to conclude her evidence.

With the abovesaid observations and directions, present revision petition stands allowed, however, with no order as to costs.

March 21, 2017
ndj

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No