

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

CRR(F) 425-2017

Date of decision: 13.10.2017

Kashmiri Lal

...Petitioner

Versus

Anju Dhaiya

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Rajinder Mathur, Advocate for the petitioner

JITENDRA CHAUHAN, J.

The present revision petition has been filed for setting aside the order dated 14.8.2017 passed by learned District Judge, Family Court, Hisar vide which the evidence of the petitioner was closed without affording proper opportunity.

 Contends that the petitioner could not cause representation before the learned District Judge, Family Court, Hisar due to the illness of his brother, Om Parkash, who remained admitted in Hospital at Mohali and ultimately died on 11.8.2017. The absence of the petitioner before the trial Court is not intentional and willful.

Heard.

Considering the factum of death of the brother of the petitioner, this Court is inclined to take a lenient view in the matter. Accordingly, it is ordered that the petitioner be afforded one effective opportunity to lead his evidence.

In view of the above, the impugned order dated 14.08.2017 passed by learned District Judge (Family Court), Hisar is set aside. The learned trial Court is directed to afford one effective opportunity to the petitioner to conclude his evidence. However, the same shall be subject to payment of costs of Rs.10,000/- to be paid to the respondent-wife.

This petition is disposed of without issuing notice to the respondent with a view to impart complete justice to the parties and to save the huge expenses, which may be incurred by the respondent as also in order to avoid unnecessary delay in adjudication of the matter. Still, if dissatisfied, the respondent may move this Court for recalling this order.

13.10.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No