

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 93 of 2018

Smt. Jigyasha Gupta (Soni) W/o. Shri Prakash Gupta, D/o. Shri V.L.Soni, Aged About 33 Years, R/o. C/o Shri Ujjwal Soni, Near Bharat Kirana Store, Ganpati Nagar, Changora Bhatha, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Petitioner

Versus

Prakash Gupta, S/o. Shri Shivratan Lal Gupta, Aged About 34 Years, R/o. Sadar Itwari Bazar, Dhamtari, Tahsil & District Dhamtari, Chhattisgarh.

---- Respondent

For Petitioner : Mr. Roop Naik, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.02.2018

Heard

1. The present petition is against the order dated 05.01.2018 whereby the right to cross examine the plaintiff and the witness have been closed.
2. Learned counsel for the petitioner submits that a suit under Section 9 of Hindu Marriage Act for restoration of the conjugal right was filed and in such case which was instituted by the husband, the wife could not appear on different dates eventually her right to cross-examine was closed. It is further submitted that she was not able to travel on that date, which is evident from the medical ground and one opportunity may be granted to the petitioner to cross examine the plaintiff and the witness.
3. Perused the documents. Admittedly it appears that 5-6 dates have been given to the petitioner to cross examine and in her absence on 08.11.2017 last opportunity to cross-examine the witness was given on imposing a cost of Rs.2000/-, however, she again did not

appear eventually right to cross examine the plaintiff Prakash Gupta was closed, who is the husband.

4. Perusal of the record would show that the plaintiff/respondent is husband and defendant/petitioner is wife and the husband has filed an application under Section 9 of the Hindu Marriage Act for restoration of conjugal rights. Considering the *inter se* relation in between the parties, in the interest of justice, one opportunity is granted to the petitioner to cross examine the witness Prakash Gupta on the next date of hearing or subsequent date thereof to advance the cause of justice on merits.
5. With such observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge