

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1036 of 2018(O&M)
Date of Decision: 05.09.2018

Ravi Kumar
Versus
Ritu Kamal

.....Petitioner
.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. N.S. Mahal, Advocate
for the petitioner.

Mr. C.S. Rana, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has assailed the order dated 12.12.2017 passed by Additional District and Sessions Judge, Jalandhar, whereby evidence of the petitioner was closed by order of the Court.

[2]. It was observed in the impugned order that despite availing 15 effective opportunities, petitioner could not conclude his evidence. An amount of Rs.12,000/- was paid as part payment towards arrears of maintenance before the trial Court on 09.01.2018 itself.

[3]. At the time of issuance of notice of motion on 16.02.2018, following order was passed:-

“Learned counsel for the petitioner states that petitioner has not been afforded as many as 15 effective opportunities as referred in the impugned order. Petitioner is ready to conclude his evidence in case one more effective opportunity is granted to him, for which, he is ready to compensate the respondent. Even otherwise, petitioner would not like to delay the proceedings as he is already paying the monthly maintenance regularly.

Notice of motion for 04.04.2018.

Dasti only.”

[4]. Thereafter, on 31.07.2018, it was ordered that before hearing of the present case, the petitioner shall pay the entire arrears of maintenance till date to the respondent.

[5]. In pursuance of the aforesaid order, learned counsel for the petitioner has placed on record photocopy of order dated 14.08.2018 passed by Additional District Judge, Jalandhar, whereby factum of payment of Rs.18,000/- towards arrears of maintenance for the month of June 2018 to August 2018 was recorded. Even as per learned counsel for the respondent, entire payment towards arrears of maintenance has been made.

[6]. After hearing learned counsel for the parties, I deem it appropriate to grant one opportunity to the petitioner for leading his evidence subject to payment of costs of Rs.15,000/- to be paid to the respondent on the date to be fixed by the trial Court.

Learned counsel for the respondent accepts the aforesaid

course for granting one opportunity to the petitioner for leading his entire evidence at his own responsibility.

[7]. In view of above, this revision petition is allowed. The impugned order dated 12.12.2017 passed by Additional District and Sessions Judge, Jalandhar is set aside and the petitioner is granted one opportunity to lead his entire evidence at his own responsibility subject to payment of costs of Rs.15,000/- to be paid to the respondent on the date to be fixed by the trial Court. Payment of costs shall be the condition precedent for granting indulgence by the trial Court in the aforesaid context.

September 05, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No