

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

C.R No.6598 of 2016

Harvinder Singh

....Petitioner

Versus

Manpreet Kaur

....Respondent

Date of Order: 05.4.2018

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vijay Lath, Advocate for the petitioner.

Mr. Vinay Puri, Advocate for the respondent.

AMIT RAWAL, J (ORAL)

Petitioner is aggrieved of the impugned order dated 10.8.2016 passed by learned Addl. District Judge, Rupnagar whereby his application for leading additional evidence for summoning the record bearing Complaint No.720/P dated 15.3.2013 as well as complaint No.780 dated 20.3.2014 from the office of SSP, Hoshiarpur along with inquiry report conducted by Women Cell Hoshiarpur has been dismissed.

Learned counsel for the petitioner submitted that owing to the discord between the parties of the lis, the petitioner instituted divorce petition on the ground of cruelty. The petitioner could not lead evidence with regard to aforesaid record, which though was related to prior filing of the divorce petition but the same was essential for proper adjudication of the lis much less in support of the averments in the divorce petition.

Per contra, learned counsel for the respondent fully supported

the impugned order stating that it is delaying tactics of the petitioner in order to fill up the lacuna. No explanation qua the non-diligence of the petitioner has been given and thus the trial Court has recorded a well reasoned order.

After hearing learned counsel for the parties and appraising the paper book, I find substance in the submissions of learned counsel for the petitioner. The court below ought to have put some terms and conditions with regard to submission of application being filed belatedly as the summoning of aforesaid record, which is sought to be relied, in my opinion, may be material and necessary for proper adjudication of the case. Before making any decision, it shall always be relevant for the court to evaluate value of developed facts.

Resultantly, present petition is allowed. Impugned order dated 10.8.2016 is set aside and the prayer for leading additional evidence is accepted subject to payment of Rs.20,000/- as costs, to be deposited with the Punjab and Haryana High Court Lawyers Association Fund.

April 05, 2018
manoj

^(AMIT RAWAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No