

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

CR No. 6438 of 2018
Date of Decision: 04.10.2018

Sarita

.....Petitioner

Versus

Sandeep

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Parminder Singh, Advocate
for the respondent.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the orders dated 12.04.2018 and 12.09.2018, passed by the District Judge (Additional Family Court), Karnal (for short, the Trial Court), through which the petitioner has not been permitted to cross-examine PW-2 Sewa Singh.

Learned counsel for the petitioner submits that Sewa Singh was produced by the respondent-husband as PW-2 but could not be cross-examined on 12.04.2018 for the reason that a copy of his affidavit tendered in his examination-in-chief had not been handed over to the learned counsel appearing for the petitioner before the Trial Court. It is further submitted that subject to payment of reasonable costs to be assessed by this Court, one opportunity may be granted to the petitioner to cross-examine the aforesaid witness Sewa Singh.

Learned counsel for the respondent submits that a copy of the affidavit of PW-2 Sewa Singh had been given to counsel appearing for the

petitioner before the Trial Court and therefore, the petitioner is not entitled to be granted any further opportunity to cross-examine the aforesaid witness.

Without commenting on the dispute raised between the parties with regard to supply of copy of affidavit of the aforesaid witness Sewa Singh to the learned counsel appearing for the petitioner before the Trial Court but in line with the principles of natural justice and not to preclude the petitioner from raising all possible defences at the trial stage, subject to payment of ₹10,000/- as costs to be paid by the petitioner to the respondent, after setting aside the impugned orders dated 12.04.2018 and 12.09.2018, one and only one opportunity is granted to the petitioner to cross-examine PW-2 Sewa Singh who shall be summoned by the Trial Court to appear before it within two weeks from today for his cross-examination.

The present petition is allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

04.10.2018
sandeep

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No