

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(243)

CR-7269-2018 (O&M)

Date of Decision: 04.12.2018.

RAM SINGH

..... Petitioner

Versus

SUKHWINDER KAUR

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gopal Singh Nehal, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CM-25625-CII-2018

1. This application is for impleadment of Principals of the concerned schools where children of the two parties are presently studying.
2. It may be mentioned that this revision arises out of an order passed by the learned Additional Civil Judge Senior Division, Sunam vis-a-vis the petitioner, who is respondent in the Ld. Court below, and who has been directed to bring the two minor children in the Court compound on each and every date of hearing to enable the present respondent/their mother to meet them.
3. This Court is not inclined to allow the prayer for addition of the Principals of the schools as that would cause unnecessary entanglement of un-concerned persons and a consequent delay in disposal of the actual dispute pending in the Ld. Court below.

4. Application is therefore dismissed.

Main Case:-

5. Mr. Narinder Kumar Awasthi, Advocate has put in appearance and filed memorandum of appearance on behalf of respondent No.1, which is taken on record.

6. As already noted above, this revisional application is directed against an order passed by the learned Additional Civil Judge Senior Division, Sunam, directing the petitioner/paternal grand-father of the two minor children to bring them to the Court to meet their mother on each date of hearing.

7. *Per se* such direction cannot be faulted in the normal circumstances, since the respondent-Sukhwinder Kaur happens to be the own mother of the minor children. Grievance of the petitioner in this regard is that studies of the children would suffer if they are to be called again and again during pendency of the case in the Ld. Court below.

8. This Court is however not convinced with the above submission. There cannot be any automatic presumption that merely because a dispute is pending between the parties, there will necessarily be any indefinite delay or adjournments and dates, which could cause prejudice to the minor children in their academic pursuits or otherwise.

9. This revision is therefore disposed of by directing the petitioner that he shall be duty bound to bring the minor children to meet their mother in the Ld. Court below on the next date of hearing which is stated to be fixed for evidence of the original petitioner/present-respondent i.e., 19.12.2018, on which date the mother/respondent would be duty bound

to complete her evidence by way of filing the affidavits of examination-in-chief of herself or any other witnesses, and in case the matter is therefore deferred for cross-examination of the petitioner's witnesses, she will not be entitled to press for production of the children in Court on any adjourned date, except when such cross-examination is deferred on prayer of the father's side, itself.

10. Likewise when the matter comes up for evidence of the respondent's (present petitioner) side he would be obligated to produce the children in Court and in case his evidence is not completed on the date fixed, he shall be bound to produce the children again.

11. He shall however be also at liberty to seek exemption from producing any of the child on any specific date for cogent reasons such as examination of the child or other unforeseen circumstance for which appropriate documentary proof shall have to be appended with his application.

12. The learned trial Court is directed to see that evidence of both sides is completed within two effective dates each, and if one side fails to do the needful, the impugned order regarding production of children in Court on each shall be modified by the learned Court below to balance the equities in following the spirit of this order.

December 04, 2018
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(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No