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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-8091-2017 (O&M)
Date of decision : 19.3.2018

Subhash Chander **Petitioner**

Versus

Kanwalvir Kang and another **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Arjun Lakhanpal, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 20.4.2017 passed by learned Additional District Judge, Chandigarh vide which an application filed by the present petitioner for submission of 188 interrogatories under Order XI of the Code of Civil Procedure, 1908 was dismissed.

Heard.

It comes out that a divorce petition under Section 13 of the Hindu Marriage Act, 1955 has been filed in which the present petitioner is one of the co-respondents. In this case, already 20 opportunities have been granted for cross-examination on the point of cruelty only and the cross-examination on behalf of respondent No. 1 was closed on 2.2.2017. It has been observed by the learned trial Court that cross-examination running into 200 pages had already been conducted and the parties are not still satisfied with the cross-examination.

Needless to say that petitioner/co-respondent is not leaving any stone unturned to seek adjournment on the ground of illness or some other reason and the counsel is refusing to cross-examine the witness in the absence of the party.

Now the co-respondent/petitioner seeks permission to serve 188 interrogatories. When the witness has been cross-examined, there is no question of serving the interrogatories. All the questions should have been asked in the cross-examination.

Learned trial Court has observed that a lengthy cross-examination has already been conducted by the applicant on the respondent on the ground of adultery and all the questions which have been made part of the interrogatories, have already been asked from the respondent either in the same words or in different manner and effective and proper cross-examination has already been conducted.

Learned trial Court has already taken a view that if the cross-examination is compared with the interrogatories then it will transpire that not even a single relevant question has been left to be put to the respondent. Therefore, learned trial Court has refused to allow the interrogatories to be served.

Learned counsel for the petitioner is reminded that there is always a difference between the cross-examination of witness and interrogation of witness.

I am of the view that the purpose of service of interrogatories is only to delay the case. Despite conducting lengthy cross-examination, present petitioner is not satisfied. The application was frivolous and so is the present revision petition, therefore, the same is dismissed with costs of Rs. 25,000/- to be paid to respondent No. 1.

(KULDIP SINGH)
JUDGE

19.3.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No