

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

CRM-M-6198-2015

Date of decision:-24.7.2018

Sarabjit Kaur

...Petitioner

Versus

Karanjit Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

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

Mr.L.S. Mann, Advocate
for the respondents.

H.S. MADAAN, J.

Petitioner Sarabjit Kaur had filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as *the Act*) against her husband – Karanjit Singh and his family members. Notice of the petition has been given to respondents. Respondents No.1 to 3 and 5 have appeared and contested the petition, whereas petition against respondent No.4 had been dismissed as withdrawn. The petition was pending before Sub-

Divisional Judicial Magistrate, Nakodar. Two of the PWs examined by the petitioner i.e. PW2 and PW4 had not appeared in the Court on 28.11.2014 to face cross-examination. The request for adjournment to produce remaining evidence was declined, however, cross-examination of PW2 and PW4 was allowed. Thereafter on 23.1.2015 when no evidence was led on behalf of petitioner, the case was adjourned for evidence of respondents.

Feeling aggrieved, the petitioner has filed the present revision petition challenging the order vide which her evidence has been closed by Court order seeking one opportunity to adduce entire evidence.

Notice of the petition has been issued to the respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Protection of Women from Domestic Violence Act, 2005 was enacted by the legislature to save womenfolk from domestic violence and redressal of their such grievances and ancillary matters like maintenance, provision of residence etc. The Court has to adopt a liberal attitude in cases under that Act. Though the petitioner is supposed to pursue the matter diligently and properly in bringing evidence before Court, which should be concluded within reasonable time and in this case as observed by learned Sub Divisional Judicial Magistrate, Nakodar despite availing of ten opportunities, petitioner could not conclude her evidence and failed to cause appearance of PW2 and PW4 to face cross-examination. However, keeping in view the nature of proceedings, the

ends of justice demand that she should be given one opportunity as asked for to conclude her evidence at own responsibility including causing appearance of PW2 and PW4 for the purpose of cross-examination. The respondents shall not be prejudiced in any manner. They would get an opportunity to cross-examine the witnesses and to lead evidence in rebuttal.

Therefore, the petition is accepted. The impugned order is set aside and the petitioner is afforded one opportunity to conclude her evidence. The petitioner shall bring the entire remaining evidence to the Court at own responsibility and if assistance of Court is required for summoning any witness, then dasti summons be taken and some person should accompany the Process Server/Executing Official for service/execution of summons/process issued to the witnesses. The appearance of PWs, whose cross-examination is yet to be recorded be also caused in the Court.

Under the circumstances the parties are directed to appear before Sub-Divisional Judicial Magistrate, Nakodar on 14.8.2018, who will then fix date for evidence of petitioner.

24.7.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No