

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

**CRR No.3638 of 2018 (O&M)
Decided on: 30.10.2018**

Ravinder Singh

....Petitioner

Versus

Ritu Rani

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh Gupta, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting-aside the order dated 08.10.2018 passed by the Judicial Magistrate Ist Class, Patiala, vide which the oral evidence of the petitioner/husband was closed by Court order.

Counsel for the petitioner has submitted that the case before the trial Court is now fixed for defence evidence of the petitioner and the petitioner wants to examine one witness namely Raj Kumar and despite the fact that he was summoned through bailable warrants on two dates of hearing, he has failed to appear and on that account, the oral evidence of the petitioner was closed by Court order.

Counsel for the petitioner has further argued that the petitioner may be granted one opportunity to examine the aforesaid witness namely Raj Kumar at his own responsibility.

Heard.

Considering the fact that the trial Court has already issued

bailable warrants for procuring the presence of the aforesaid witness i.e. RW – Raj Kumar and also in view of the fact that issuance of notice of motion to the respondent/wife, will further delay the disposal of the case, I am of the opinion that in order to meet the ends of justice, it will be appropriate to grant one effective opportunity to the petitioner to examine the said witness namely Raj Kumar at his own responsibility.

Accordingly, in view of the above, this petition is allowed, the order dated 08.10.2018 is set-aside and the petitioner is granted one opportunity to produce and examine the said witness namely Raj Kumar, at his own responsibility, without assistance of the Court.

This will, however, be subject to payment of costs of Rs.10,000/- to be paid to the respondent/wife namely Ritu Rani.

It is made clear that the payment of costs to be paid to the respondent – Ritu Rani, will not be a part of the payment of maintenance.

With the aforesaid modification, this petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

30.10.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No