

CR No. 8409 of 2018

DECIDED ON: DECEMBER 10, 2018

DR. NANCY GARG

.....PETITIONER

VERSUS

DR. MOHIT GOYAL

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

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

Mr. Deepak Aggarwal, Advocate
for the respondent.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been filed being aggrieved of the order dated 04.12.2018 passed by learned Additional District Judge, Sangrur (hereinafter referred to as 'learned trial Court') closing the evidence of petitioner-wife.

The facts in brief are that the marriage between the petitioner-wife and respondent-husband was solemnized on 03.12.2014. The relations became strained and the respondent-husband on 03.11.2016 filed a petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage. The pleadings and evidence of respondent-husband was completed on 31.08.2018 and the case was fixed for the evidence of petitioner-wife on 12.09.2018. In

spite of availing various opportunities, the petitioner-wife failed to conclude her evidence. Consequently, vide order dated 04.12.2018, the evidence of petitioner-wife was closed. Aggrieved of the aforesaid order, the present civil revision petition has been filed.

Learned counsel for the petitioner-wife submits that the summons as well as warrants were issued and duly served upon the witnesses but, the said witnesses were not present on the date fixed. He further submits that their witnesses include some officials who in spite of warrants, had not appeared and, therefore, the evidence could not be concluded. He prays that petitioner-wife be granted two effective opportunities to conclude her evidence.

Learned counsel for the respondent-husband contended that the entire endeavour of the petitioner-wife is to delay the proceedings and the witnesses are not being produced intentionally.

The dispute in the litigation is regarding dissolution of marriage. The petitioner-wife is defending a divorce petition. The reason for non-appearance of the witnesses on the date fixed by the learned trial Court was beyond her control as in spite of warrants having been served, the witnesses never turned up. Only two effective opportunities have been prayed for to conclude the evidence. The apprehension of learned counsel for the respondent-husband is that the entire endeavour is to delay the proceedings can be taken care of by restricting the opportunities to be provided to the petitioner-wife in a time bound manner.

Keeping in view facts and circumstances of the case and in the interest of justice the order dated 04.12.2018, closing the evidence of petitioner-wife is set aside. The petitioner-wife is afforded two opportunities spanning for

a period of eight weeks from today to conclude her evidence.

The civil revision petition is allowed.

DECEMBER 10, 2018
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>