

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No. 8457 of 2018

Date of Decision: 13.12.2018

Jitender Kumar

.....Petitioner

Versus

Shakuntla

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Dr. Anand Kuamr Bishnoi, Advocate
for the petitioner.

AVNEESH JHINGAN, J.(oral)

The present civil revision petition has been filed being aggrieved of the order dated 30.11.2018 passed by the Additional District Judge, Rewari, dismissing the application of the petitioner-husband for recalling the respondent-wife for re-examination.

The facts in brief are that the petitioner-husband filed a divorce petition under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. In the said petition, the respondent-wife was examined as witness in her own evidence. Thereafter, an application was moved on 22.11.2018 praying for recalling of the respondent-wife for re-examination as the petitioner had come across a recording and he wanted to re-examine the wife on the basis of the said recording.

The application was dismissed vide order dated 30.11.2018. Aggrieved of the order, the present civil revision petition has been filed.

Learned counsel for the petitioner argued that the petitioner wanted to confront the respondent-wife with certain facts which are part of the audio conversation recorded by the husband to prove adultery.

The contention raised by learned counsel for the petitioner lacks merit.

The petition for divorce had been filed only on the ground of cruelty and desertion. From the perusal of the application and petition filed, it is evident that not even minimum bare facts have been disclosed to the Court and recording has not been placed on the record. It has been averred that the petitioner-husband came to know about the said conversation on 28.9.2018. But it has not been disclosed even during the arguments before this Court that as to how the petitioner gained knowledge of the conversation. Even the source of recording and equipment of recording has not been disclosed.

The issue whether the conversation is genuine or not also cannot be determined, as the said conversation has not been produced as an evidence before the Court. By moving the application, the petitioner is trying to go beyond his pleadings.

Learned counsel for the petitioner has failed to substantiate that mere conversation itself shall amount to adultery specially when the transcript has neither been produced before the trial Court nor before this Court. No error is found in the order passed by the trial Court.

The petition is accordingly dismissed.

(AVNEESH JHINGAN)
JUDGE

13.12.2018
reema

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No