

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 156 of 2019**

- Pankaj Chaturvedi S/o Shri Buddhiprakash Chaturvedi Aged About 28 Years
R/o Shanti Nagar, Tifra, Police Station- Sirgitti, Tahsil And District- Bilaspur,
Chhattisgarh

---- Petitioner

Versus

1. Ku. Surbhi D/o Shri Pankaj Chaturvedi Aged About 2 Years (minor) Through
Natural Guardian Mother Varsha Chaturvedi
2. Varsha Chaturvedi W/o Shri Pankaj Chaturvedi Aged About 23 Years

Both are R/o Shanti Nagar Tifra, Presently Resident At Abhilasha Parisar,
E.W.S. Block No. 28, House No. 334, Police Station- Sirgitti, Tahsil And District-
Bilaspur, Chhattisgarh

---- Respondents

For Petitioner : Shri G.V.K. Rao, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/01/2019

1. Heard.
2. The present petition is against the order dated 03.11.2018 passed in M.J.C.
No.608/2016 by the Family Court, Bilaspur, whereby the application filed by the
petitioner to cross-examine the witness further was disallowed. The petitioner
wanted to cross-examine the respondent as the right of the petitioner to cross-
examine the respondent was closed.
3. Learned counsel for the petitioner submits that the instant petition has been
filed by the husband and since he was ailing and the case was being attended
by the sister of the petitioner. It is stated when the right to cross-examine was
closed it was not in the knowledge of the petitioner, therefore, he submits that
one chance may be given to the petitioner to cross-examine the respondent

witness. It is stated that the case is fixed for tomorrow for petitioner's/non-applicant's evidence.

4. Perusal of the order dated 03.11.2018 would show that an application to cross-examine the wife/applicant was moved subsequently after closure of right to cross-examine on the ground that on 10.10.2018 the petitioner herein came to know about the fact that the right to cross-examine the respondents, who is the wife has been closed. Perusal of the record would show that the Court recorded that after the right to cross-examination of the witnesses i.e. the complainant/wife was closed, thereafter 8 dates have been passed, however, no evidence was adduced by the husband. It has been submitted at the bar that the case is still fixed for evidence of the non-applicant/petitioner husband.
5. Be that as it may, the litigation is in between the husband and wife and taking into the facts of this case, in order to avoid the future litigation and avoid multiplicity of proceedings, therefore, taking into the balance of convenience of the parties as also the inter se relation in between the parties, it is directed that on payment of cost of Rs.5000/- to the respondents No.1 & 2 i.e. the wife and minor children, as a whole, the petitioner shall be entitled to cross-examine the witnesses. It is further made clear that on the next date the respondent/wife and their witnesses if are not present they may be given opportunity to produce their witnesses on the next date of hearing so that cross-examination can be carried out.
6. With such observation the petition stands disposed of.

SD /-
Goutam Bhaduri
Judge

Ashu