

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWP227 No. 512 of 2019

1. Smt. Nisha Singh W/o Shri Virendra Singh Aged About 34 Years Present Address - C/o Shri Kailash Prasad, Ghagha Gali, Marchatta, Patna City, Thana - Khaajekala, District - Patna City (Bihar) P I N – 800 008

---- Petitioner

Versus

1. Virendra Singh S/o Shri Surendra Singh Aged About 40 Years R/o B-602, Swarn Residency, Seepat Road, Mopka, Thana - Sarkanda, Tehsil And District - Bilaspur Chhattisgarh.

---- Respondent

For PetitionerShri Achyut Tiwari, Advocate

Order On BoardByPrashant Kumar Mishra, J.27/06/2019

1. This is a petition under Article 227 of the Constitution of India challenging the order passed by the Family Court closing petitioner's evidence on the ground that the petitioner is protracting the litigation and has not assisted the Court by producing her witnesses for cross-examination.
2. Learned counsel for the petitioner would submit that if the wittinesses are not cross-examined their affidavit under Order 18 Rule 4 of the Code of Civil Procedure, 1908 would not be read in evidence. It is further submitted that the petitioner has

been allowed to be assisted by a counsel, therefore, her non appearance on previous dates was not willful and that she is always cooperated before the trial Court by presenting herself and her another witness for cross-examination.

3. Considering the fact that the present is a divorce petition filed by the husband in which the order by the Supreme Court for completion of trial within six months has only been passed in October, 2018 and that six months time has not yet elapsed from the date of submission of certified copy before the Family Court, ends of justice would be served if the petition is disposed of with direction to the Family Court to fix one date for examination of remaining witnesses of the petitioner and thereafter to proceed to decide the suit.
4. It is made clear that the petitioner shall produce both of her witnesses on one single day without seeking adjournment.
5. Accordingly, the writ petition stands disposed of.
6. Certified copy today.

Sd/-

Judge
Prashant Kumar Mishra

Gowri