

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.144 of 2020

- Smt. Pushpanjali Jaiswal W/o Tilak Jaiswal Aged About 27 Years R/o Village Pantora, Tahsil Janjgir, District Janjgir - Champa Chhattisgarh, Presently At Village Khamariya, Tahsil - Seepat, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- Tilak Jaiswal S/o Shri Kishan Lal Jaiswal, Aged About 27 Years R/o Village - Seepat, Tahsil And District - Bilaspur Chhattisgarh

---- Respondent

For Petitioner : Mr. Amit Kumar with Ms. Gunjan Tiwari,
Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 30.01.2020, passed by the learned Family Court, Bilaspur, District-Bilaspur, C.G., in Civil Suit No.105-A/2016 by which the opportunity of the petitioner to cross-examine the respondent witness has been closed.
2. Learned counsel for the petitioner submits that the impugned order has been passed in an arbitrary manner and therefore the valuable right of the petitioner to cross-examine the respondent witnesses has been closed without giving proper consideration to the reason why she could not avail that opportunity on the given date. Therefore, the impugned order is erroneous and unsustainable and it is prayed that proper order may be passed.

3. Considered on the submissions made and also perused the impugned order along with the documents present in the record and the reason provided by the petitioner was that on the date of hearing she was unable to appear before the Court, because bus facility was not available as the buses were acquired for Panchayat Election, that had been a genuine cause, even then the learned Family Court has considered on the previous conduct of the petitioner and closed her opportunity. Therefore, looking to the cause of non-appearance of the petitioner on the date of hearing, I am of this view that the order passed is erroneous and needs to be set aside. Therefore, without notice to the respondent side, this petition is disposed off at motion stage and the petitioner is given one opportunity for cross-examining the respondent witnesses.
4. The learned trial Court is directed to fix a date for the cross-examination of the respondent witnesses in the last week of February and provide with only one opportunity to the petitioner for cross-examining the witnesses of the respondent side before proceeding further in this case.
5. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika