

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.596 of 2020
Date of Decision:28.1.2020

Bavneet Kaur

...Petitioner

Versus

Aman

...Respondent

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ashish Gupta, Advocate
for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

1. Prayer in this petition is for setting aside the order dated 10.1.2020 passed by the Additional Principal Judge, Family Court, Karnal, vide which the application for recalling witness for the plaintiff PW-1 Aman/respondent has been dismissed.

2. No ground for interference in the order dated 10.1.2020 passed by the learned Family Court is made out in this petition. When the evidence of the petitioner is concluded and the evidence of the respondent is in progress, the guidelines issued by this Court in CRM-M-31522-2019, titled "Jaspreet Singh vs. Gurleen Kaur", decided on 6.1.2020 are salutary but have to be read within the law in the Code of Civil Procedure where every stage of the suit is planned by the legislature so that trials are concluded at the earliest.

3. Learned counsel has relied on direction (i) in para No.22 of the order, in which directions have been issued to family courts in the States of

Punjab, Haryana and U.T.Chandigarh and also to all the Courts handling matrimonial litigation that “the Courts shall insist upon the parties to furnish affidavit of assets, income and expenditure” in the format designed in the judgement. This is excellent way to start a matrimonial trial in applications for maintenance to help courts to readily assess income for orders on maintenance. But at the same time, the guidelines have not been issued to re-open concluded parts of a trial as it has, to my mind, only prospective effect. For future, these directions are salutary.

4. If the petitioner has laid hands on information on the financial status of the husband who has filed a petition in 2019 under Section 13 of the Hindu Marriage Act, for a decree of divorce by dissolution of marriage, or that her husband owns and runs a business partnership concern and therefore the income is hidden, she can always bring such facts in her evidence; which I am told, she is already leading even after the conclusion of the trial in case. In case the decision goes against her, she will still have an adequate opportunity to lead it by way of additional evidence in an appeal by invoking Order 41 Rule 27 CPC. With these remarks and observations, I fail to see any cogent reason to interfere in the impugned order dated 10.1.2020, passed by the learned Additional Principal Judge, Family Court, Karnal.

5. Accordingly, this petition is disposed of.

January 28, 2020

neenu

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable-

Yes/No