

**124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2162-2021

DECIDED ON: 30th SEPTEMBER, 2021

SEEMA RANI

.....PETITIONER

VERSUS

PUNEET KUMAR

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT.

Present: Mr. Ajay Jain, Advocate for the petitioner.

RAJBIR SEHRAWAT, J (ORAL)

The present petition is filed for setting aside the order dated 16th August, 2021 passed by the Principal Judge, Family Court, Hisar whereby while allowing the application filed by the petitioner-wife for recalling the respondent-husband for the purposes of his further cross-examination, she has been directed to submit the questionnaire in advance with advance copy to the opposite counsel.

It has been submitted by the counsel for the petitioner that although the application filed by the petitioner-wife for recalling the respondent-husband for further cross-examination has been allowed by the Court below subject to costs, a strange line has been added in the order to the effect that petitioner-wife would submit a questionnaire regarding questions to be put in the cross-examination, atleast, 10 days in advance with advance copy to opposite counsel. Counsel has submitted that if the above-said line is retained in the order then the case of the petitioner would be seriously prejudiced. The very purpose of cross-examining the opposite

side would be defeated. Hence, the stipulation to the effect of providing questionnaire in advance has to be set aside.

Having heard counsel for the petitioner and perused the paper book, this Court finds substance in the argument raised by counsel for the petitioner. The purpose of cross-examination of the other side is to extract true facts by putting him certain questions which go to the sub-consciousness of the witness. In case the party is informed in advance regarding the questions to be put during cross-examination; then the possibility of tutoring on the aspect of the questions to be asked during cross-examination and, thereby, defeating the purpose of cross-examination and consequently, stifling the process of dispensing justice; cannot be ruled out. Therefore, it would be against the interest of justice to direct the petitioner to submit questionnaire of the questions to be asked in cross-examination in advance. Hence, this Court finds that the stipulation to that effect in the order passed by the Court below is not sustainable in the eyes of law.

Accordingly, the petition is allowed. The stipulation qua submission of questionnaire in advance with advance copy to the opposite counsel, as contained in the order passed by the trial Court, is hereby set aside.

30th SEPTEMBER, 2021
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes*