

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

207

CR No.2686 of 2020

Decided on : 23.02.2021

Shashi Bala

... Petitioner

Versus

Ashish and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Karan Bhardwaj, Advocate for
Mr. Pankaj Mehta, Advocate for the petitioner.

Mr. Vivek Aggarwal, Advocate for the respondents.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present revision petition has been filed for setting aside the order dated 10.12.2020 (Annexure P-1), whereby the Family Court at Hisar has closed the evidence of the petitioner-wife.

A perusal of the said order would go on to show that the Court had noticed that the last opportunity was granted on an earlier occasion and, therefore, the evidence was closed and the respondent was proceeded against *ex parte*.

Counsel for the petitioner has submitted that the case had been fixed for evidence of the respondent on 12.03.2020, vide order dated 05.03.2020. Thereafter, proceedings had been adjourned to 19.03.2020 as the witnesses were not present. Thereafter, on 19.03.2020, the proceedings were adjourned on account of epidemic of Covid-19 virus and Bar having suspended the work.

It is not disputed that thereafter on account of Covid-19 pandemic, the Courts had been closed. On 03.12.2020, the matter again

came up and the petitioner filed an application for exemption on the ground that she was suffering from fever due to cold and was unable to appear in the Court. The Family Court had then granted the said benefit, but noticed that she had availed several effective opportunities and accordingly deferred the proceedings for evidence of the respondent at her own responsibility, failing which her evidence shall be deemed to be closed by Court order. As noticed, thereafter, the impugned order was passed on account of lack of evidence being present.

Counsel for the respondent-husband is gracious enough as such to submit that two opportunities may be granted to the petitioner to complete her evidence. It is not disputed that the case is now fixed for 25.02.2021.

It is not disputed that a separate transfer application has also been filed bearing TA No.565 of 2020 by the wife, which has been dismissed on merits. It has also been brought to the notice of this Court that the Family Court headed by Shri Najar Singh, Principal Judge, Family Court, Camp Court, Hansi, has transferred the case to the Court of Additional District Judge, Family Court at Hisar, on account of the allegations which had been levelled against the said officer, which had been sent to the District & Sessions Judge, Hisar. The said Court has rightly transferred the matter, keeping in view the fact that justice not only should be done, but also seen to be done, especially where unnecessary allegations are being made by the petitioner, who herself is a Court employee.

Accordingly, keeping in view the concession given by the counsel for the respondent-husband, the present petition is allowed. The order dated 10.12.2020 (Annexure P-1) is set aside. The petitioner is granted two effective opportunities to lead her evidence before the Family Court at Hisar. In such circumstances, since the petitioner who is based at Faridabad, the Family Court shall grant two additional opportunities to lead her evidence after 25.02.2021.

The revision petition stands disposed off.

FEBRUARY 23, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No