

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

CR-6985-2017 (O&M)
Date of decision : 04.04.2022
... Petitioner(s)

Baljinder Pal Kaur

Versus

Joginder Singh ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jasraj Singh, Advocate for the petitioner.

Ms. Neha Jain, Advocate for
Mr. K.K. Dadwal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Challenge in the present revision petition under Article 227 of the Constitution of India is for setting aside the order dated 06.09.2017 (Annexure P-1) passed by the Court of Additional District Judge, Hoshiarpur whereby an application moved by the petitioner under Section 151 of the Code of Civil Procedure, 1908 (CPC) for summoning of witnesses was dismissed and the evidence of the petitioner was closed by order.

Learned counsel for the petitioner would contend that the witnesses could not be produced despite best efforts. It is further the contention of learned counsel for the petitioner that the present is a matrimonial dispute and the respondent-husband has disputed the date of marriage, hence, the petitioner wanted to produce the witnesses to prove the date of marriage. It has been prayed by learned counsel for the petitioner that one opportunity be granted to the petitioner to conclude her entire evidence.

Learned counsel for the respondent has vehemently contested the present petition stating that numerous opportunities were given to the petitioner, however, despite the same the evidence was not led and no

further opportunity be granted to the petitioner to conclude her evidence.

Heard.

In the present case, evidence of the petitioner was closed vide order dated 06.09.2017 and immediately thereafter on 03.10.2017 the present revision petition was filed. Vide order dated 09.10.2017 the Family Court was directed to adjourn the matter beyond the date fixed before this Court and since then the proceedings have remained stayed. Hence, the proceedings are still at the stage of evidence of the respondent. Admittedly, no evidence has been led by the respondent till date.

Keeping in view the fact that the present is a matrimonial dispute and that the evidence could not be led by the petitioner despite her best efforts, I deem it appropriate to grant one opportunity to the petitioner to conclude her entire evidence, subject to the payment of ₹10,000/- as costs to be paid to the respondent. The petitioner shall lead her entire evidence at her own responsibility on 26.04.2022 i.e. the next date fixed before the Family Court concerned. Since it has been stated that four witnesses need to be examined, the evidence may be spread over two consecutive dates, as per the discretion of the Court concerned. It is made clear that no further opportunity will be granted to the petitioner.

Disposed off, accordingly.

(ALKA SARIN)
JUDGE

04.04.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO