

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

Sr. No.115

Civil Original Petition No.01 of 2022 (O&M)
Date of decision : 11.02.2022

Namrata Sinha

..... Petitioner

VERSUS

Pramod K. Chaudhary

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Shikhar Sarin, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The respondent had filed a petition for divorce before the Circuit Court of Fairfax County, Virginia, United States of America. A decree of divorce was granted sometimes in the year 2012 and the petitioner was ordered to pay spousal support of U.S. Dollar 5,000 till the happening of one of the following events:

- i. The death of either of the parties.
- ii. The remarriage of the respondent herein.
- iii. The cohabitation of the respondent herein with another person, as defined in Section 20-109. A, Virginia Code.
- iv. Until further orders of the Circuit Court of Fairfax County, Virginia, United States of America.

According to the petitioner, the respondent has got married with one Sweta Singh on 15.05.2015, resulting in applicability of Clause-ii

hereinabove. Accordingly, a petition has been filed for termination of spousal support.

In this petition, letter of request issued on 17.12.2021 by the Competent Court at Fairfax, Virginia has been received for recording of evidence abroad. The Hague Convention of 18.03.1970 provides for such a procedure as do Section 78 of the Code of Civil Procedure read with Order 26 Rules 19 to 22 thereof. The request letter may be received either through the Central Government or by a party to the proceedings. In this case, the request letter has been communicated through a party to the proceedings and the same is addressed to the Registrar General of this Court. The witnesses are to be examined and their details are mentioned in attachment-A to the said letter.

A perusal of the contents of the petition as well as the letter of request shows that the legal requirements for issuance of a Commission stand satisfied. The Chief Judicial Magistrate, Gurugram, is accordingly appointed as the Commission for recording evidence as requested by the foreign Court.

The petition is disposed of with a direction to the Registry to issue a warrant of Commission in the name of the Chief Judicial Magistrate, Gurugram forthwith. A copy of this petition alongwith annexures shall be sent to the Commission in addition to a copy of this order. The Commission shall issue notice to the concerned witnesses as well as the respondent before commencing the process of recording evidence.

The evidence so collected shall be sent in a sealed cover to the Registrar General of this Court within a period of six weeks from the date of receipt of a copy of this order who shall forward the same to the learned counsel for the petitioner for transmission to the concerned foreign Court.

(SUDHIR MITTAL)
JUDGE

11.02.2022
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No