

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-112-2022

Date of Decision: 22.02.2022

Dinesh MalhotraPetitioner

Versus

Vandana Malhotra and another Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr. Saurabh Kapoor, Advocate
for the petitioner.

...

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is impugning the order dated 18.10.2021 passed by the Additional Principal Judge, Family Court, Ambala, in petition No. MNT 448 of 2019 under Section 127(1) Cr.P.C. vide which the evidence of the respondent was ordered to be closed.

Learned counsel submits that on the said date a request was made for adjournment as the arguing counsel was unwell. However, the court below passed the impugned order by wrongly observing that the counsel for the petitioner had been repeatedly seeking an adjournment for the cross-examination of the respondent. Learned counsel while inviting the attention of this court to the zimni orders, attached as Annexures P2 to P5, submits that on 04.03.2021 an adjournment was indeed sought by the counsel for the petitioner for the cross-examination of respondent. However,

thereafter the case was adjourned on two dates on account of the outbreak

of the pandemic. Thereafter, when the case came up for hearing on 10.08.2021 it was the respondent who was absent and it was on account thereof that the matter was then adjourned to 18.10.2021. Learned counsel submits that it was thus evident that the petitioner had at no point in time sought unnecessary adjournments from the court below. A prayer has, therefore, been made to set aside the impugned order dated 18.10.2021 and for giving the petitioner one more effective opportunity to cross-examine the respondent.

Heard.

In the facts and circumstances, the petition is allowed. The impugned order dated 18.10.2021 passed by the Additional Principal Judge, Family Court, Ambala, is set aside and the petitioner is granted one last effective opportunity to conduct and conclude the cross-examination upon respondent No.1 on the next date of hearing before the court below.

22.02.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No