

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2434-2022
Decided on : 19.07.2022

Akash Deep

..... Petitioner

Versus

Smriti Kaushal

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Manjari Nehru Kaul, J.(Oral)

The petitioner is aggrieved by the impugned order dated 24.03.2022 (Annexure P-3), passed by Addl. Principal Judge, Family Court, Faridabad vide which evidence of the petitioner was closed.

Learned counsel for the petitioner *inter alia* contends that the issues in the present case were framed way back on 26.07.2017 and it is only thereafter, the evidence were closed in the affirmative. However, while inviting the attention of this Court to the impugned order dated 24.03.2022 (Annexure P-3), learned counsel submits that on 24.12.2021, the petitioner was in Spain and since all international travel had come to a halt on account of outbreak of pandemic, he could not appear before the trial Court and conclude his evidence. Learned counsel further submits that three witnesses i.e. petitioner himself, Nandini Chaudhary and Subodh Chaudhary are required to be examined in support of his case. Learned counsel prays that a compassionate view be taken and the petitioner be granted an opportunity to adduce his evidence. He submits that the next date of hearing before the

trial Court is 20.08.2022.

Heard learned counsel and perused the impugned order.

No doubt, issues in the present case were framed way back on 26.07.2017. However, the fact remains that on account of the pandemic, normal Court proceedings could not take place. In case, the petitioner is not granted another opportunity to adduce his evidence, he could suffer irreparable loss, which in turn may result in miscarriage of justice. To settle the equity, the respondent can always be compensated with suitable costs.

Therefore, without issuing any notice to respondent and to avert any further delay, and also expenses which the respondent may have to incur to defend these proceedings, the impugned order dated 24.03.2022 is set-aside and the revision petition is disposed of in the following terms:-

- (i) The petitioner shall appear and adduce his evidence on the next two dates of hearing before the trial Court.
- (ii) In the event of default, the matter shall not be adjourned and no further opportunity shall be granted to the petitioner. The petitioner's evidence would then be deemed to be closed.
- (iii) This, however, shall be subject to costs of Rs. 10,000/-, to be paid to the respondent, which shall be a condition precedent.

19.07.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No