

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

120

CR-2960-2022

Date of decision: 15.09.2022

Bindu

.....Petitioner

Versus

Parveen

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Thakan, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner, who is wife of the respondent, is impugning the order dated 02.07.2022 (Annexure P-5) passed by learned Principal Judge, Family Court, Jind vide which an application filed by the respondent for examination of a handwriting and finger print expert by way of additional evidence with respect to the handwriting and signatures of the petitioner was allowed.

Learned counsel appearing for the petitioner *inter alia* contends that the application seeking adducing of additional evidence has been filed by the respondent with an oblique motive to harass her and to fill up the lacuna in his evidence. Learned counsel submits that strangely the application has been moved by the mother of the respondent-husband on his behalf, who is not even a party to the instant petition under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act'), therefore, the Court below erred in entertaining it and further erroneously allowing it. Learned counsel submits that even otherwise no evidence beyond pleadings can be led by a party. The respondent-husband had availed sufficient opportunities for leading his evidence,

hence, the application for additional evidence at this stage was nothing but an abuse of the process of law.

I have heard learned counsel and perused the relevant material on record.

Proceedings under Section 13 of the Act are admittedly pending between the parties before the Family Court. The respondent-husband has sought divorce from the petitioner on grounds of cruelty as she had refused to give birth to a child as she was a follower of Baba Rampal and remained busy in his worship. In support, the respondent-husband during his evidence tendered a notebook (Ex.P2) containing the handwriting of the petitioner-wife wherein the factum of she being an ardent follower of said Baba Rampal stands reflected. During her cross-examination, the petitioner-wife refused to admit her handwriting on the said notebook (Ex.P2). It is in the above background that the respondent-husband moved an application for adducing additional evidence by examining a handwriting and finger print expert.

After having gone through the impugned order this Court does not find any ground to interfere in the same as the respondent-husband, in the wake of the categorical denial of the petitioner qua not only the contents of the notebook (Ex.P2) but also the fact that the said notebook (Ex.P2) did not belong to her, was left with no other option but to seek the examination of an expert witness.

Still further, the submission of the learned counsel that the application was moved not by the respondent-husband but his mother and hence it should not have been entertained, is devoid of any merit. It is a matter of record that the respondent-husband is a serving defence

personnel and hence he is pursuing the litigation in question through Special Power of Attorney executed by him in favour of his mother.

Accordingly, the instant revision petition being devoid of any merit is dismissed in *limine*.

15.09.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No