

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

CR-3510-2022

Date of Decision : 31.08.2022

Jayant Raheja

..... Petitioner

Versus

Ritika Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Anil Shukla, Advocate
for the petitioner.

HARKESH MANUJA, J (ORAL)

The petitioner has challenged the orders dated 25.04.2022 and 08.07.2022 passed by the Family Court, Faridabad, whereby his evidence has been ordered to be closed.

The petitioner had filed a petition under Section 13 of the Hindu marriage Act praying for decree of divorce under Section 13 (1)(ia) of the Hindu Marriage Act, 1955. After notice, written statement was filed on behalf of respondent on 25.09.2018. The issues were framed on 18.09.2019 and thereafter the matter was fixed for recording of evidence of the petitioner-husband. The petitioner tendered his affidavit before the learned Family Court, Faridabad on 13.03.2020. Since then the petitioner could not produce any other witness. Vide order dated 17.11.2021, the petitioner was granted one last opportunity to conclude his evidence and the matter was fixed for 25.04.2022. On 25.04.2022, again the petitioner did not produce his witnesses and the learned Presiding Officer, Family Court, Faridabad passed a conditional order by granting one another opportunity to the petitioner to

conclude his evidence by fixing the case for hearing for 08.07.2022. Even on 08.07.2022, the position remained the same and the petitioner could not conclude his evidence. Resultantly, the matter was adjourned for 01.08.2022. On 01.08.2022, the petitioner was subjected to cross-examination and the matter was adjourned for 28.09.2022 for recording of the evidence of respondent and in view of the order dated 08.07.2022, the petitioner was not afforded opportunity to lead any further evidence.

I have heard learned counsel for the petitioner.

The facts and circumstances, as stated above, primarily relate to the Court orders, passed by the learned Presiding Judge, Family Court, Faridabad, though it appears that there has been some negligence on the part of the petitioner while pursuing his divorce petition. However, considering the fact that the petitioner undertakes to conclude his entire evidence on the date fixed by the learned Family Court, which is 28.09.2022 and so far the evidence of respondent has not yet been commenced, I deem it appropriate to allow the present revision petition by setting aside the orders dated 25.04.2022 (Annexure P-5) and 08.07.2022 (Annexure P-6).

Therefore, the present petition is allowed. The orders dated 25.04.2022 (Annexure P-5) and 08.07.2022 (Annexure P-6), passed by the learned Family Court, Faridabad are hereby set aside.

In order to balance the equities, the petitioner is burdened with costs of Rs.15,000/- to be paid to the respondent on the date fixed before the learned trial Court which shall be a condition precedent for grant of opportunity to the petitioner for leading his evidence and he is permitted to lead his evidence on the date fixed i.e. 28.09.2022.

being decided without issuing notice to the respondent which may further delay the proceedings and may prejudice the rights of both the parties.

31.08.2022
mamta

(HARKESH MANUJA)
JUDGE

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