

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

Sr. No.124

CR-4337-2022

Date of Decision: 11.10.2022

Bharti Yadav

.... Petitioner

Versus

Ajay Yadav

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Varun Singh Dhanda, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 18.08.2022 (Annexure P-4) passed by Family Court, Gurugram, whereby on refusal of the petitioner to cross examine the respondent, the cross examination of the respondent/husband was ordered to be considered as 'Nil'.

Learned counsel submits that the petitioner is ready and willing to be present at the time of cross examination through video conferencing or video call from Australia, where she is presently residing. He further submits that on the date fixed, there was some miscommunication between her and the counsel before Family Court. On that account, the counsel made the statement refusing to examine the witness. It was a bona fide mistake, which deserves to be condoned.

Keeping in view the aforesaid facts and in the interest of justice, this petition is allowed and the order dated 18.08.2022 (Annexure P-4) is set aside to the extent it declares cross examination of the

respondent as 'Nil'. The petitioner is granted one last opportunity to cross-examine the witness/respondent/husband by being present before the Family Court in virtual mode on the next date of hearing, subject to payment of Rs.25,000/- as costs to the respondent.

No further opportunity shall be granted for the said purpose.

(TRIBHUVAN DAHIYA)
JUDGE

11.10.2022
Maninder

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