

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(136)

CRM-M-54974-2022
Date of Decision: 24.11.2022

Shilpa

--Petitioner

Versus

Vridhi & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Viren Jain, Advocate & Mr. Anil Kumar,
Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 482 Cr.P.C praying for setting aside the order dated 28.9.2022 (Annexure P-3) passed by learned Family Court, Ludhiana in a petition filed under section 125 (1)(b) Cr.P.C bearing no. MNT/335/2019 dated 31.3.2018 titled as “Vridhi and others Vs. Shilpa”, whereby cross-examination of the PW1 has been declared as Nil and for grant of opportunity to cross-examine PW1.

Learned counsel for the petitioner submits that examination-in-chief of PW1 was recorded on 23.8.2022 and the next date was 28.9.2022. He submits that due to some communication gap counsel for the petitioner was unaware of the date of hearing and hence he could not attend the court. He submits that learned Family Court has fallen in error in recording the 'opportunity given Nil'. It is submitted that petitioner is a widow, who has been thrown out of the matrimonial home. It is submitted that respondents-minors are in the custody of sister-in-law of the petitioner and she has been illegally denied the cross-examination of PW1. Counsel submits that petitioner will suffer an irreparable loss if she is not given one effective opportunity to cross-examine PW1.

Having heard learned counsel for the petitioner and perusing the record, it is apparent that the petitioner before this court is the mother of the respondents-minors, who are in custody of the sister-in-law of the petitioner. After recording examination-in-chief of PW1 it was the second date fixed for cross-examination of PW1 when the learned court recorded the cross-examination as Nil. This court is convinced that petitioner would suffer an irreparable loss if she is deprived of her right to cross-examine PW1.

In view of the above position and to meet the ends of justice, impugned order dated 28.9.2022 (Annexure P-3) is set aside. Learned Family Court, Ludhiana is directed to grant one effective opportunity to the petitioner to cross-examine PW-1 in accordance with law.

Petition is disposed of in the above terms.

(RAJESH BHARDWAJ)
JUDGE

24.11.2022

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