

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

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**CR No.5610 of 2022
Date of Decision: 02.12.2022**

Neeru

...Petitioner

Versus

Sunil Sharma

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Manvinder Singh Dalal, Advocate
for the petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant revision petition, the petitioner-wife (here-in-after to be referred as 'the wife') has assailed the order dated 15.11.2022 (Annexure P-11), passed by learned Principal Judge, Family Court, Bhiwani (for short 'the trial Court'), whereby her (wife's) evidence has been closed in petition No.DMC/769/2019 filed by the respondent-husband (here-in-after to be referred as 'the husband') against her for seeking the dissolution of their marriage by way of the decree of divorce.

2. I have heard learned counsel for the petitioner-wife in the present revision petition, at the preliminary stage and have also perused the file carefully.

3. A perusal of Annexures P-5 to P-11, i.e copies of the orders passed by the trial Court in the said divorce petition, reveals that though seven (07) opportunities had been afforded to the wife for adducing her

evidence, before closing the same vide the impugned order but it is worthwhile to mention here that the witnesses of the wife, i.e RW1 and RW2, were present in the Court on 14.10.2022 and their cross-examination had been deferred at the request of learned counsel for the husband (the petitioner in the said divorce petition) and thereafter, these witnesses (RW1 and RW2) had appeared in the Court again on 04.11.2022 but they could not be cross-examined on that day also due to the non-availability of the counsel for the parties. Keeping in view the above-discussed facts and circumstances and also the fact that in case, the cross-examination of the said witnesses is not completed, the wife would suffer an irreparable loss that may further result in the mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the ends of justice will also be best served if she is afforded one more opportunity to conclude her evidence but subject to payment of cost.

4. It being so, without issuing notice to the respondent-husband so as to avoid any further delay in the matter and also to avert the expenses that he (respondent) may have to incur to defend in the instant petition, the impugned order dated 15.11.2022 (Annexure P-11) is hereby set-aside and the revision petition in hand stands disposed of with a direction to the trial Court to afford only one more effective opportunity to the wife to conclude her evidence but the payment of the cost of Rs.5000/- shall be a condition precedent for doing so and in the eventuality of the default on her (wife's) part in concluding her evidence despite availing the said opportunity or the payment of the cost, she shall not be entitled to any further opportunity for

the said purpose.

5. However, it is further clarified that in case the respondent-husband feels aggrieved by this order, he shall be at liberty to move an appropriate application to contest the present petition.

02.12.2022
neetu

(MEENAKSHI I. MEHTA)
JUDGE

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