

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

109

2023:PHHC:139639

**CR-8415-2016(O&M)
Date of decision: 02.11.2023**

A.K. KALESH KUMAR

..Petitioner

Versus

LEKHA S

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shrey Goel, Advocate
and Mr. Shevtanshu Goel, Advocate
for the petitioner.

Mr. Suman Jain, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. The only issue involved in this revision petition is with respect to the correctness of the order passed by the Family Court while closing the petitioner's opportunity to cross-examine three witnesses namely Ms. Rakhi Kapur, Smt. Sunita Dahiya and Smt. A.K. Geetha Devi. The Family Court has ordered that the learned counsel has failed to cross-examine the witnesses and therefore, the Court is required to deny the opportunity.

2. After arguing at length, the learned counsel representing the respondent submits that he has no objection if an opportunity is granted. He submits that Smt. Sunita Dahiya resides in Australia, however, fortunately she is staying in India between 10.12.2023 to 17.12.2023. He submits that Smt. A.K. Geetha Devi is now 70 years old and residing in Dwarka, Delhi. She can be cross-examined by appointing a local commissioner as she is not keeping good health.

3. Keeping in view the fair stand taken by the learned counsel representing the respondent, the revision petition is allowed.

4. The order Annexure P-6 and P-8 are set aside.
5. The Family Court is requested to give the next date between 10.12.2023 to 17.12.2023 for cross-examining Smt. Sunita Dahiya.
6. For the cross-examination of remaining witnesses, the Family Court will take appropriate steps.
7. The petitioner will have only one opportunity to cross-examine each of the witnesses.
8. With these observations the revision petition is disposed of.
9. All the pending miscellaneous applications, if any, are also disposed of.

November 02nd, 2023

Ay

(ANIL KSHETARPAL)
JUDGE

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