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

CR-2630-2023

Date of Decision: 01.05.2023

Nirmla

..... Petitioner

Versus

Amit Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Manish Mehta, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 227 of the Constitution of India praying for setting aside the impugned order dated 23.03.2023 passed by the Principal Judge Family Court, Narnaul, whereby the evidence of the petitioner was closed by court order and the order dated 19.04.2023, whereby an application filed by the petitioner for seeking permission of additional evidence was dismissed, along with certain other prayers.

It is submitted by the learned counsel for the petitioner that the petitioner has not wasted any time of the Court. Almost on every date, the petitioner was present in the Court. However, before the date when the evidence of the petitioner was closed, the case was adjourned for further cross-examination of witnesses RW-3 and RW-4. But RW-3 is serving in Indian Army and he had to rush back because of no leave being extended by the Army authorities. Therefore, the fault on the part of the petitioner was not intentional. Hence, the petitioner deserves to be granted at least one opportunity to complete her evidence.

In view of the nature of the order being passed in this case, this

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Court does not see any requirement of issuing notice to the respondents; at this stage.

Having heard learned counsel for the petitioner and having perused the case file, this Court finds that the petitioner, being respondent before the Court below, has availed as many as seven opportunities for completion of her evidence. However, she could not complete the same. Therefore, there does not appear to be any *ex facie* impropriety with the course of action adopted by the Court below. However, the facts on the file also show that the respondent is not entirely responsible for non-completion of the evidence. Her witnesses had come present on almost every date. Moreover, in the meantime, the matter was referred even to the Lok Adalat, but both the parties could not arrive at any settlement there. This Court also finds substance in the argument of the learned counsel for the petitioner that the witness of the respondent had to go because of non-extension of the leave by the Army authorities. Hence, it would not be unjustified, if the petitioner is granted one more opportunity to complete her evidence.

Accordingly, the impugned orders passed by the Trial Court are set aside and the Trial Court is directed to grant one effective opportunity to the petitioner to complete her evidence.

Disposed of with aforesaid directions.

(RAJBIR SEHRAWAT)
JUDGE

01.05.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No