

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 2816 of 2023****Date of Decision: 12.12.2023**

Dr. Priya Yadav

... Petitioner(s)

Versus

Dr. Amardeep Yadav

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Gagandeep Rana, Advocate
for the petitioner(s).Mr. S.K.Tripathi, Advocate
for the respondent.**Anil Kshetarpal, J.**

1. In this case, the proceedings under Section 6(a) of the Hindu Minority and Guardianship Act, 1956, read with Section 6, 7, 8 and 9 of the Guardians and Wards Act, 1890 read with Section 7 of the Family Court Act, 1984, are pending before the Family Court.

2. On 09.09.2022, the Family Court passed the following order:-

“Cost paid. Today, the case was fixed for cross-examination of petitioner. Petitioner present for cross examination. However, counsel for the respondent sought adjournment. Perusal of file shows that several opportunities have been granted to the respondent for cross examination of petitioner yet cross examination is not recorded. No justification has been shown by respondent for not conducting the cross-examination. It shows utmost disregard towards the court proceedings. Therefore, there is no justification to adjourn the case for the same purpose. Therefore, the defence of

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respondent is hereby struck off. Now the case is adjourned to 10.03.2022 for PWs.

Long date is given due to pendency of action plan cases.”

3. An application filed for recall of the order was dismissed by the Family Court on 10.03.2023. From the reading of the order, it is evident that the learned counsel representing the petitioner (the respondent before the Family Court) despite repeated opportunities, did not come forward to complete the cross-examination of the petitioner. It is also evident that the Presiding Judge made a request to the learned counsel for cross-examining the witness, however, he refused.

4. Keeping in view the aforesaid facts, this Court is not inclined to interfere in exercise of its revisional jurisdiction. However, the petitioner, if so advised, may file an application before the Presiding Judge of the Family Court, apologizing about the conduct of her counsel. The Presiding Judge shall consider the same in accordance with law.

5. With the observations made above, the present revision petition is disposed of.

(Anil Kshetarpal)
Judge

December 12, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No