

CR-4019-2023

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

Sr. No.134

CR-4019-2023

Date of Decision: 10.10.2023

SUKHDEEP KAUR

....Petitioner

Versus

LAKHWINDER SINGH

.....Respondent

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. Sanchit Khurana, Advocate for the petitioner.

Mr. Raman Mahajan, Advocate for the respondent.

ARCHANA PURI, J. (Oral)

Challenge in the present revision petition is to the order dated 11.01.2023 (Annexure P-19), passed by the Court below, whereby in the suit titled “Lakhwinder Singh v/s Sukhdeep” bearing case No. HMA-681-2017, an application filed for seeking leave to deliver interrogatories, had been dismissed.

During the pendency of the divorce petition filed by the respondent/husband, the petitioner/wife has filed an application, thereby seeking leave to deliver interrogatories, which are sought to be delivered and are given in one portion of Paragraph No.2 of the said application, which are reproduced in verbatim as hereingiven:-

“..... xxx xxx xxx

(i) Whether the petitioner executed the sale deed No.774/1 dated 09.10.2018 in favour of Virender Singh s/o Tiranga Singh, Aadhar No. 404593900311?

(ii) Whether the sale deed No. 678/1 dated 08.06.2022 executed by Babu Ram in favour Bhushan Lal and

Krishan Pal made with connivance/knowledge of the petitioner?

(iii) Whether the petitioner disclosed this fact before this Hon'ble Court?

(iv) What is the account number in which the finances transferred in lieu of said transfer vide execution of sale deed No. 774/1 dated 09.10.2018 in favour of Virender Singh by the petitioner?

However, in reply, it is submitted that after completion of pleadings, issues were framed in the present case on 09.08.2018. Respondent/husband had stepped into witness box and filed his affidavit on 12.03.2019. Cross-examination was not being conducted, despite opportunities having been availed, time and again. Thereupon, after conducting of cross-examination of respondent/husband, an application was filed for recalling respondent/husband for further cross-examination, which was dismissed vide order dated 24.11.2021. Thereafter, the petitioner/wife had tendered her evidence as affidavit dated 18.07.2022 and on her request, the matter was adjourned to 28.07.2022. Despite availing number of opportunities, the petitioner/wife had failed to conclude her evidence.

Further also, reference has been made in the reply to the proviso of Order 11 Rule 1, which reads as hereingiven:-

“Order XI

DISCOVERY AND INSPECTION

“..... Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.”

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After hearing learned counsel for the parties, the said application was dismissed, vide the impugned order dated 11.01.2023.

Learned counsel for the parties heard.

On query by the Court, it was disclosed that the application for interim maintenance was decided on 14.11.2018 and the maintenance which was fixed by the Court, is being paid by the respondent/husband to the petitioner/wife.

With regard to the stage of the case, it is brought to the notice of the Court by both the learned counsel that it is for final arguments and evidence of the petitioner, who is respondent before the Court below, has also since been closed.

In the given circumstances, when the entire evidence has been led and the order passed on interim maintenance application is also complied with, the question with regard to the sale deed to be brought on record, as such, is not essential to be taken into consideration.

In the given circumstances, learned Lower Court has rightly dismissed the application under Order 11 Rule 1, 2 and 4. As such, the impugned order calls for no interference by way of the present revision petition.

Hence, the same is hereby dismissed.

10.10.2023
Sonu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No