

2023:PHHC:156712

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

CR-5516-2022
Date of Decision: 07.12.2023.

SUNDEEP

...PETITIONER

VS

SANDEEP SHARMA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aayush Gupta, Advocate
for the petitioner.

Mr. A.S. Walia, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

1. The prayer is to set aside order dated 01.10.2022, whereby the petitioner's evidence has been ordered to be closed.

2. Learned counsel representing the petitioner contends that on 01.10.2022, the petitioner was present in the Court and she moved an application at 3:30 PM for recording her statement. It is submitted by learned counsel that the petitioner has already tendered her affidavit and opportunity to cross-examine the witness is to be granted to the respondent.

3. On the other hand learned counsel representing the respondent submits that the petitioner has already availed as many as 40 opportunities for the examination of witnesses.

4. Learned counsel representing the petitioner submits that infact two parallel proceedings are pending before the same Presiding Judge, one filed by the petitioner under Section 9 of the Hindu Marriage Act whereas

the second filed by the husband under Section 13 of the Hindu Marriage Act.

5. Without delving deep into aforesaid dispute, this Court is of the considered view that the interest of justice would be served if the respondent is granted one opportunity to cross examine the petitioner who has already appeared as a witness in the Family Court and tender her affidavit, in lieu of examination in chief.

6. Learned counsel representing the parties agree that petitioner will remain present in the Court on 20.12.2023 at 11:00 AM and the counsel representing the respondent will cross examine the witness forthwith. No further request for adjournment shall be entertained. If the petitioner does not appear, the Court will close her evidence. However, if the respondent counsel does not come forward to cross examine the witness the same shall be treated as 'Nil'.

7. The present petition stands disposed of.

(ANIL KSHETARPAL)
JUDGE

07.12.2023
pry

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No