

2024:PHHC:025841
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

135

CR-1156-2024 (O&M)
Date of decision:26.02.2024

Sumita

... Petitioner

Vs.

Shyam Sunder Punia

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Ms. Preeti Singh, Advocate for the petitioner.

...

SUKHVINDER KAUR, J. (ORAL).

1. The instant revision petition has been filed by the petitioner/wife against the order dated 11.01.2024 passed by the Principal Judge (Family Court), Bhiwani, vide which the evidence of the petitioner was closed by order.

2. Brief facts that are relevant for adjudication of the present revision petition are that the petitioner filed a petition for divorce under Section 13(I)(a) of the Hindu Marriage Act, 1955.

3. During the pendency of the suit, the parties were directed to adduce their respective evidence. The petitioner failed to conclude her evidence despite availing of various effective opportunities, and the matter was adjourned to various dates i.e. 16.05.2023, 07.08.2023, 07.10.2023, 07.12.2023 and thereafter was adjourned to 11.01.2024 for evidence of the petitioner. On 11.01.2024, due to some unavoidable circumstances, witnesses could not come present and the evidence of the petitioner was closed by the Court vide the impugned order dated 11.01.2024. Hence, the revision petitioner/wife has knocked the doors of this Court by way of the

filing of the present revision petition.

4. Learned counsel for the petitioner has contended that on 11.01.2024, the petitioner was to adduce her evidence but due to some unavoidable circumstances, she could not reach the Court at proper time. He has further contended that the evidence of these witnesses is very material for final adjudication of the petition. The trial Court had erred in passing the impugned order without affording any opportunity of hearing to the petitioner while closing her evidence. He has vehemently contended that the cause of justice cannot be allowed to be thrown at the very threshold of technicalities, as the trial Court has closed the evidence of the petitioner primarily on the ground that the case pertains to the year 2020 and has prayed that one effective opportunity may be provided to her to complete the evidence.

5. I have heard learned counsel for the petitioner at length and have perused the pleadings on record.

6. Perusal of the impugned order reveals that the petitioner despite availing of five effective opportunities for concluding her evidence, failed to do so and then her evidence was closed by the trial Court vide the impugned order dated 11.01.2024 (Annexure P-4).

7. Though there is no infirmity in the impugned order, yet it will be appropriate, if in the interest of justice, one effective opportunity is given to the petitioner to conclude her evidence. The other party can be well compensated with costs. Therefore, the impugned order is set aside. The trial Court is directed to grant one effective opportunity to the petitioner to conclude her entire evidence at own responsibility subject to

payment of costs of Rs.5,000/- to be paid to the respondent.

- 8. Revision petition is allowed in the aforesaid terms.
- 9. Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

26.02.2024
harjeet

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |