

Rohit Sheoran

...Petitioner

Versus

Rekha

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 18.12.2023 (Annexure P-4) whereby previous order of closing the evidence by order dated 15.11.2023 (Annexure P-1) passed in CR No.6548 of 2023, has been set aside and even after accepting the cost, the right to examine the petitioner himself as witness has been closed without granting one effective opportunity.

2. Learned counsel for the petitioner submits that vide order 15.11.2023 (Annexure P-1) passed by this Court, order dated 17.08.2022 (Annexure P-9) was set aside and the learned Family Court was directed to give one opportunity to the petitioner to examine himself. Para No.6 of the same is reproduced as under:-

“6. So, in the interest of justice, present petition is disposed of and order dated 17.08.2022 (Annexure P-8) is hereby set aside, with a direction to the Family Court, Karnal to give one opportunity to the petitioner to examine himself but subject to payment of costs of Rs.2,000/- to the respondent-wife. If the petitioner moves any application for admission or denial or production of documents, same be disposed of as per law, but

petitioner shall not seek adjournment on this ground for examining himself, the same be disposed of in accordance with law. It is further made clear that petitioner shall not take it as a condition precedent for examining himself.”

3. The Family Court passed the order dated 18.12.2023 (Annexure P-4) that no evidence of the petitioner is available but without giving any opportunity to the petitioner to examine himself. Since the learned Family Court was required to fix one date for the examination of the petitioner but same was not done. So, impugned order is not sustainable in the eyes of law and is hereby set aside. The learned Family Court is directed to fix one date for examination of the petitioner and then examine him on the same date and no further opportunity shall be granted for this purpose.
4. Petition stands disposed of.

27.02.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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