

CRR(F)-572-2024
Date of decision: 24.04.2024

Kavita Arora

Versus

Rajesh Arora ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

The present revision petition has been filed against the impugned order dated 18.03.2024 passed by the learned Additional Principal Judge, Family Court, Ludhiana, in case bearing No. MNT125/1353/2019, whereby, an application for placing on record the fresh/additional affidavit of assets/liabilities of the petitioner has been declined.

Learned counsel for the petitioner *inter alia* contends that due to multiple litigations, the petitioner remains mentally depressed and at the time of filing her affidavit declaring assets and liabilities, due to inadvertence and oversight, she could not mention the factum of bank accounts in her name. She realised this omission during her cross-examination. It is further contended that the petitioner has not concealed these accounts intentionally, with an oblique motive, as only few entries of small amounts were made through these bank accounts. There is neither substantial balance available in these accounts nor any hefty transactions were made through them that could prejudice the rights

of the respondent/husband. As such, she wants to file an additional affidavit to provide complete information regarding her income and assets. He further submits that the learned Principal Judge, Family Court, Ludhiana while declining the application of petitioner for filing additional affidavit, has passed an order commenting on merits and the same has potential to prejudice the outcome of the application filed by her husband under Section 340 Cr.P.C. Learned counsel for the petitioner wishes to withdraw the present petition and prays that learned Family Court be directed to decide the application under Section 340 Cr.P.C. on its own merits without being prejudiced by the observation made in the impugned order.

I have heard learned counsel for the petitioner and perused the record of the case.

The proceedings under Section 340 Cr.P.C. can be invoked only in exceptional circumstances, and with even more circumspection in matrimonial cases, where the Court is of the opinion that a party has deliberately committed perjury, in order to extract a beneficial order from the Court. Further, drastic measures such as initiating prosecution under Section 340 Cr.P.C., are only permissible in the larger interest of the administration of justice and must not be misused to settle scores in matrimonial dispute. The remedy under Section 340 Cr.P.C. serves a greater purpose and was not intended to be employed in order to gratify feelings of vindictiveness and revenge. At times, allowing minor irregularities to be remedied is more advantageous to the cause of justice than initiating separate proceedings. Therefore, in view of judgment rendered by the Hon'ble Supreme Court in 'M/s Bandekar Brothers Private Limited and another Vs. Prasad Vassudev Keni Etc.' 2020 AIR SC 4247 and this Court in

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‘Monika Vs. State of Haryana and another’ CRR(F)-462-2024 decided on 02.04.2024, this Court is of the considered opinion that ends of justice will be met if the learned Family Court is directed to decide the application filed by the respondent/husband under Section 340 of Cr.P.C. strictly in accordance with law in light of the law laid down in *Monika’s case (supra)* without prejudiced by the observation made in the impugned order dated 18.03.2024.

(HARPREET SINGH BRAR)
JUDGE

24.04.2024
Neha

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