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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR(F)-602-2024 (O&M)
Date of decision: 14.05.2024

Isha Goyal and another

... Petitioners

Vs.

Rahul Garg

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Gulati, Advocate and
Mr. Rahul Kesar, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present revision petition has been preferred against the order dated 06.04.2024 passed by learned Principal Judge, Family Court, Nabha, vide which application filed by the petitioners for production of additional evidence, has been dismissed.
2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners have filed an application for production of additional evidence i.e. a letter dated 28.01.2024 and school fee receipt dated 30.01.2024 on the ground that aforesaid documents were not in existence at the time when the petitioners led their evidence. Learned Family Court has rejected the said application on the ground that the same has not been supported by an affidavit and it is an

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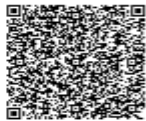
attempt to delay the proceedings, as the petitioners have already closed their evidence. It is further contended that both these documents are necessary for the just decision of the case. He relies upon the judgment in ***Union of India and others Vs. Shanti Gurung and others, ILR (2014) III Delhi 1621***, in which the petitioner was granted liberty to cure the defect of not signing the written statement and verification. As such, learned counsel for the petitioners submits that the petitioners may be granted one opportunity to file the affidavit in support of the application seeking production of additional evidence.

3. Having heard learned counsel for the petitioners and after perusing the record of the case with his able assistance, this Court finds merit in the present petition and the same is taken up for final disposal today itself.

4. The principles of natural justice are integral part of fair trial under Article 21 of the Constitution of India, any denial of the best available evidence or effective and substantial hearing to accused in proving defence, would amount to denial of free and fair trial.

5. Keeping in view the facts and circumstances of the case, present revision petition is allowed and the impugned order dated 06.04.2024 passed by learned Principal Judge, Family Court, Nabha, dismissing the application seeking production of additional evidence, is hereby set aside. The petitioners are granted liberty to file a fresh application supported by an affidavit within a period of two weeks from today.

6. In case any such application is filed, learned Family Court, Nabha



will decide the same on its own merits, strictly in accordance with law.

14.05.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No