



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Revision No. 3788 of 2024 (O&M)
Date of Decision: 10.07.2024

Smt. Sumedha

..... Petitioner

Versus

Kislay Garg

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

HARKESH MANUJA, J. (ORAL)

CM-11427-CII-2024

Application is allowed, as prayed for, subject to all just exemptions. Exemption from filing the certified / typed copies of the anenxures is granted.

MAIN CASE

The petitioner, by way of present revision petition, seeks setting aside of two separate orders, both dated 04.05.2024 (Annexure P-3 & P-4) passed by learned Principal Judge, Family Court, Faridabad, whereby two separate applications, i.e. one filed on behalf of the respondent-Kislay Garg seeking permission to lead additional evidence, was allowed; whereas the other one filed on behalf of the petitioner-Sumedha seeking de-exhibiting the documents placed on record before the trial Court by the respondent herein, was partially allowed.

[2] Learned counsel for the petitioner submits that the Court below went wrong while allowing the prayer made on behalf of the respondent-Kislay Garg (petitioner therein), while permitting to lead additional evidence as the same would delay the proceedings before the trial Court and even no new fact has come on record regarding which the additional evidence is required to be adduced at the hands of respondent.

[3] I have heard learned counsel for the petitioner and gone through the paper-book as well as the impugned order.

[4] A perusal of the record shows that the only prayer made on behalf of the respondent, while seeking permission to lead additional evidence, is to examine concerned Clerk from the Office of Airports Authority of India, GM-HR-Medical Section, New Air Traffic Services Building (NATS), Regional Headquarter, Rangpuri, IGI Airport, Palam, Airport Authority of India, New Delhi-110037, so as to produce the evidence relating to him being remained as an indoor patient from 27.11.2021 to 20.02.2022 in Tulasi Health Care, Gurgaon, besides, proving the discharge summary and the fitness certificate from his employer office. A perusal of the aforementioned shows that the only intent and purpose of filing of the application was to prove on record the physical and mental fitness of the respondent and also for furthering his cause towards seeking custody of his minor children.

[5] In the given facts and circumstances when the issue relates to the custody of minor, the mental / physical fitness of the parties needs to be gone into and thus, in such circumstances, the discretion exercised by the Court below while allowing the respondent to lead additional evidence to the

aforementioned context cannot be said to be perverse and accordingly, calls for no interference.

[6] At this stage, learned counsel for the petitioner does not press the second prayer *qua* setting aside of the order dated 04.05.2024 (Annexure P-3), whereby the application, filed on behalf of her, seeking de-exhibiting the documents placed on record before the trial Court by the respondent herein, was partially allowed

[7] Accordingly, finding no merit in the present revision petition, the same is hereby **dismissed**.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

July 10, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No