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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR(F)-936-2024

Date of decision: 24.07.2024

Manoj Kumar alias Bhola

....Petitioner

Versus

Shilpi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Harpreet S.Rakhra, Advocate
for the petitioner.**HARPREET SINGH BRAR, J. (ORAL)**

The present revision petition has been filed for setting aside the impugned order dated 07.05.2024 passed by the learned Additional Principal Judge, Family Court, Amritsar, vide which the application of the petitioner for production of additional evidence was dismissed.

Learned counsel for the petitioner submits that he confines his prayer to the extent of producing deposition of respondent No.1 while appearing as a witness in complaint filed by her under Section 12 of the Protection of Women from Domestic Violence Act (in short 'the Act') at the time of final arguments. He further submits that his only intention is to show to the Court the contradictory stand taken by respondent No.1 and he is not in any manner, trying to delay the trial of the case, as such, he has filed the application for placing on record the cross-examination of respondent No.1 as an additional evidence. The dispute *inter se* between the parties is matrimonial dispute and on the same cause of action, respondent No.1 has entangled the petitioner in multiple cases and in all cases, the dispute is same and same

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question arises for adjudication and, as such, her examination in collateral proceedings would be essential for the just decision of the present case.

Having heard learned counsel for the petitioner and keeping in view the limited prayer made by the petitioner, this Court is of the considered opinion that 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 as principles of natural justice are integral part of fair trial envisaged under Article 21 of the Constitution of India. Accordingly, the present petition is disposed of with a direction to the learned trial Court to allow the petitioner to produce certified copy of cross-examination of respondent No.1 recorded in the proceedings under Section 12 of the Act subject to payment of Rs.2,000/- as costs, to be paid to respondent No.1.

The present petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.07.2024*Neha*

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