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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR- 5464-2024**Date of decision : 20.09.2024****Buta Singh Gill****.....Petitioner****vs.****Karnail Kaur****.....Respondent****CORAM:HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**

Present: Mr. Dixit Garg, Advocate for the petitioner.

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SHEEL NAGU, C.J. (Oral)

1. The supervisory jurisdiction of this Court under Article 227 of the Constitution of India is invoked to assail an order passed, as early as on 25.08.2023 (Annexure P-3).
2. The facts, as projected by learned counsel for the petitioner, reveal that in a divorce petition filed by the petitioner, pending before the Additional Principal Judge, Family Court, Camp at Khanna, District Ludhiana, the right to adduce evidence of the petitioner-husband, who was the plaintiff, was closed, except the cross examination of PW-1 (the husband).
3. Learned counsel for the petitioner has taken this Court to various orders which were passed from the institution of the divorce petition till the passing of the impugned order on 25.08.2023. A perusal of these



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orders indicate that on 04.03.2022, 01.04.2022, 22.04.2022 and on 24.02.2023, the petitioner was granted four opportunities at 4 different occasions to make himself available and subject himself to cross examination. The said husband-petitioner failed to avail the said opportunities and therefore, the learned Family Judge closed the right of petitioner-husband, to adduce remaining evidence, except the cross-examination of PW-1 (the husband).

4. After having heard the learned counsel for the petitioner and perusing the record, it does not appear that the learned Family Judge, has travelled beyond the purviews of the law while closing the right of petitioner-husband to adduce the remaining evidence. The impugned order passed by the learned Family Judge could have been passed in the given facts and circumstances and therefore, the same cannot be said to be passed without jurisdiction.

5. Just because another view is possible in the given facts and circumstances, does not empower this Court to invoke the limited supervisory jurisdiction of the Court under Article 227 of the Constitution of India, as observed by Hon'ble Apex Court in 'Shalini Shyam Shetty and another vs. Rajendra Shankar Patil, 2010 (8) SCC 329'.

6. Consequently, the petition stands dismissed.

20.09.2024
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(SHEEL NAGU)
CHIEF JUSTICE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No