



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

136

CR-5618-2024**Date of decision : 18.11.2024****Yashoda****..... Petitioner****versus****Lokesh Kumar****..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Respondent in person.

PANKAJ JAIN, J. (Oral)

1. Present revision petition is directed against order dated 19.07.2023 passed by Family Court, Faridabad whereby cross examination of the respondent-witness has been ordered to be treated as 'nil' as the cross examination could not be effected despite having been granted last opportunity.

2. Parties are unfortunately embroiled in the matrimonial discord which resulted into filing of the present petition under Section 13 of the Hindu Marriage Act, 1955 at the behest of the husband. The petition was filed on 20.12.2018. Vide order dated 26.09.2019, wife was ordered to be proceeded against ex-parte. On 06.04.2021, two witnesses were examined in ex-parte evidence on behalf of the petitioner. The evidence was closed. On 18.01.2022, an application was moved for setting aside the ex-parte order dated 26.09.2019. The application was allowed on 12.04.2022.



3. Wife filed written statement on 04.07.2022. On 16.12.2022, husband who is the petitioner in the petition under Section 13 of the Act tendered his affidavit in examination-in-chief. His cross examination was deferred on request made by counsel representing wife. The matter was adjourned to 27.03.2023. On 27.03.2023 despite the fact that husband was present, his cross-examination was not conducted on request made on behalf of counsel for the wife, the matter was adjourned to 19.05.2023 subject to cost of Rs.500. On 19.05.2023, fresh power of attorney was filed on behalf of the respondent. The witness was partly cross examined. Further cross-examination was again deferred on request made by counsel representing wife and the case was posted for 19.07.2023. On the said date, again request was made on behalf of counsel representing wife for adjournment. The same was declined and further cross-examination was ordered to be treated as 'nil'.

4. Wife filed application seeking recalling of order. The same was ordered to be dismissed vide order dated 02.08.2023 which has been placed on record as Annexure P-5 and is also impugned in the present revision petition. Yet again application was moved seeking recalling of the said order which now stands dismissed vide order dated 08.08.2024 (Annexure P-7), which is also subject matter of challenge in the present revision petition.

5. Respondent-husband who is present in person brings to the notice of this Court that the intent on part of the wife is to delay the proceedings. The present petition which was filed way back in 2018 could not attain finality owing to the conduct of the wife.



6. I have heard counsel for the petitioner as well as respondent who is present in person and have carefully perused the records.

7. Though keeping in view the conduct of the petitioner-wife, there is no cogent reason to interfere to upset the order on merits. Yet, in the interest of justice, one last opportunity is granted to the wife to cross examine PW-1, keeping in view that PW-1 is none-else, but the husband, who is conducting the proceedings in person. He has appeared before this Court also in person. The said opportunity is subject to payment of Rs.5000/- cost to be paid to the respondent-husband by wife. The next date of hearing before the Court below is **20.11.2024**. On the said date, PW-1 will present himself before the Court. He shall be cross-examined by the counsel representing respondent-wife. Keeping in view the fact that the present matter is pending for last 06 years, Family Court is directed to expedite the same and make an endeavour to decide within a year.

8. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

18.11.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No