



In the High Court of Punjab and Haryana at Chandigarh

CR No.6047 of 2024
Date of Decision: 21.10.2024

Arjun

.....Petitioner

Versus

Sonia

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nonish Kumar, Advocate for the petitioner.

VIKAS BAHL, J.

1. This revision petition under Article 227 of the Constitution of India has been filed for setting aside impugned order dated 27.08.2024 (Annexure P-6) passed by learned Additional Principal Judge, Family Court, Faridabad, whereby the evidence of the petitioner has been closed by Court order.

2. Learned counsel for the petitioner has submitted that initially the petitioner was in custody in a criminal case which had been filed by the father of the respondent. After getting the bail, the petitioner was appearing before the Family Court and since the document with respect to registration of marriage was taken by the police and was not readily available with the petitioner and he had applied for a certified copy of the same, which was supplied to the petitioner at a later stage, the petitioner could not submit his affidavit when the case was for fixed leading the evidence of the petitioner and he had prepared the said affidavit on 30.09.2024, however, vide impugned order dated 27.08.2024 the evidence of the petitioner had been closed by order.



3. It is submitted that the case is now fixed for 28.10.2024 for rebuttal evidence and arguments and the petitioner seeks only one last effective opportunity to lead his entire evidence and that he would present his witnesses on 28.10.2024 itself. It is submitted that in case, the petitioner is not granted an opportunity, irreparable loss would be suffered by him. It is further submitted that for any inconvenience caused to the respondent, the petitioner is ready to reasonably compensate the respondent.

4. Keeping in view the above facts and circumstances, this Court is of the opinion that one last opportunity should be granted to the petitioner to lead his entire evidence, at his own responsibility, and accordingly the impugned order dated 27.08.2024 to the extent that the evidence of the petitioner has been closed by order is set aside and the petitioner is granted one last effective opportunity to lead his entire evidence and in case, the petitioner presents all his witnesses on 28.10.2024, the trial Court would grant one effective opportunity to the petitioner to lead his evidence and the same would be subject to the petitioner depositing the cost of Rs.25,000/- on or before 28.10.2024, which is stated to be the next date of hearing, before the trial Court and on depositing the said amount, the trial Court is directed to release the said amount of Rs.25,000/- to the respondent.

5. It is made clear that in case, the witnesses of the petitioner do not appear on 28.10.2024 for leading their evidence or the petitioner does not deposit the amount of Rs.25,000/- on the said date, the present revision petition would be deemed to have been dismissed.

6. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay



the proceedings in the suit and would also entail expenses for the respondent in order to defend the present petition. However, it would be open to the respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

21.10.2024
d.gulati

(VIKAS BAHL)
JUDGE

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