



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(126)

CR-6408-2024 (O&M)
Date of Decision:-28.11.2024

Rajwinder Kaur

... Petitioner

Versus

Surinder Singh

... Respondent

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CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Ms. Arzoo Modi, Advocate
Mr. Mohd. Yousaf, Advocate
for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed by the petitioner raising challenge to the order dated 10.09.2024 (Annexure P-4), passed by learned Additional Principal Judge Family Court-II, Jalandhar whereby the evidence of the petitioner has been closed. Although, learned counsel for the petitioner has fairly submitted that the petitioner was at fault as she could not present herself for cross-examination, however, prays for taking lenient view and further prayed that one opportunity may be granted to her, whereby the petitioner could complete her evidence and shall not absent herself and ensures that other PWs will also remain present and shall face the cross-examination.
2. Heard learned counsel for the petitioner.
3. After perusal of the record it is evident that the petition was filed under Section 10 of Hindu Marriage Act, 1955 before the learned Trial



Court, whereby the petitioner-wife herself is seeking judicial separation. Considering the facts of the said petition and in the interest of justice, it is observed that issuance of notice of motion shall only procrastinate the trial, which is pending for the last five years. More so, the respondent can be compensated with cost, in case, one more opportunity is granted to the petitioner for completing her entire evidence. Although as per the impugned order the cost earlier imposed upon the petitioner has also not been paid, however, taking lenient view and making it clear that this order shall not be a precedent, two effective opportunities are granted to the petitioner to complete her entire evidence and in case any of the witnesses including the petitioner are absent from the trial, an adverse inference shall be drawn and the matter shall be proceeded in accordance with law without any further opportunity to the petitioner.

4. However, the above order is subject to cost of ₹15,000/- to be paid by petitioner-wife out of which ₹7,500/- shall be paid to the respondent-husband and ₹7,500/- shall be deposited to Nishkam Sewa Group (run by Punjab and Haryana High Court Lawyers at Chandigarh). Subject to above compliance, the impugned order dated 10.09.2024 is set aside, and the petitioner is directed to present herself for cross-examination tomorrow itself and in case for any reason cross-examination of the petitioner is not concluded tomorrow, then short accommodation shall be granted to the petitioner by granting two effective opportunity to complete her entire evidence, but these opportunities shall not be for a span of more than one month.

5. In view of the above, present petition is disposed of.



6. Since the main case has been decided, pending miscellaneous application(s), if any, stands disposed of.

28.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No