



CR-430-2025

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

(131)

CR-430-2025

Date of Decision: - 23.01.2025

Kulvir Singh

....Petitioner

Versus

Sonia

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Deepamm Raghava, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 18.09.2024 (Annexure P-4) passed by the Principal Judge, Family Court, Gurugram in case No.HMA-1162 of 2016, whereby right to lead defence evidence has been closed.

2. Learned counsel for the petitioner has submitted that in the present case, the first date for the evidence of the petitioner was 15.07.2024 and the same was closed on 18.09.2024. It is further submitted that the petitioner only wishes to examine himself as a witness and has prayed that one opportunity be granted to examine himself as witness on 04.02.2025, which is stated to be the next date fixed before the Family Court. It is submitted that in case one more opportunity is not

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granted to the petitioner to get himself examined, then, irreparable loss would be caused to him. It is further submitted that for the delay in the proceedings and for the inconvenience caused to the respondent, the petitioner is ready to pay the respondent adequate cost.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one last opportunity to get himself examined and accordingly, the present revision petition is partly allowed and the impugned order dated 18.09.2024 is set aside to the extent that the defence of the petitioner has been closed by order and the petitioner is granted one opportunity to get himself examined and the same would be subject to the cost of Rs.30,000/-, which is to be paid by the petitioner on or before 04.02.2025 and on him depositing the said amount, the same would be released by the trial Court to the respondent.

4. It is made clear that in case the said amount is not deposited by the petitioner on or before 04.02.2025, then the present revision petition would be deemed to have been dismissed.

5. It is also made clear that the petitioner would only be given one opportunity to lead his entire oral evidence on 04.02.2025 and it is only the witnesses who are produced on 04.02.2025 who would be permitted to be examined by the petitioner and the trial Court would also give opportunity to the respondent to cross-examine the said witnesses. In case no witness appear on 04.02.2025, then, no further opportunity would be granted to the petitioner to lead his evidence.

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

January 23, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No