



133

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

CR-1908-2025

Date of decision: 27.03.2025

Parul

...Petitioner

Versus

Dev Rishi Ummat

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Khurana, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of appropriate order or directions quashing the impugned order dated 09.01.2025 passed by the Principal Judge, Family Court, Gurugram, whereby the prayer of the petitioner for asking leading questions to RW-2 Sunila Ummat had been declined.

2. Learned counsel for the petitioner has submitted that as per settled law, the Court has the discretion to permit a person, who has called the witness, to put questions to the said witness which might be put in cross-examination by the opposite party. It is submitted that in the facts and circumstances of the present case, the discretion with the trial Court deserves to be exercised in favour of the petitioner.

3. A perusal of the evidence of RW2 (Annexure P-6) does not show that the petitioner has highlighted the reasons for the exercise of the said discretion in her favour.

4. Learned counsel for the petitioner has submitted that the petitioner be permitted to withdraw the present revision petition with liberty to



move an application, in accordance with law, praying for asking leading questions from her own witness and has submitted that in the said application, all the requisite details would be given. It is prayed that in case such an application is filed, the trial Court be directed to consider the same, in accordance with law, without being influenced by the fact that the earlier request had been declined in Annexure P-6.

5. Keeping in view the abovesaid facts and circumstances, the present revision petition is dismissed as withdrawn with liberty to the petitioner to move an appropriate application before the Family Court with a prayer for asking leading questions from her own witness. The petitioner would file the said application within a period of one week from today and on her doing so, the Family Court is requested to decide the same, in accordance with law, after hearing both the parties concerned and without being influenced by the fact that the said prayer had been rejected in Annexure P-6.

6. It is made clear that this Court has not opined on the merits of the case and the submissions made by learned counsel for the petitioner and it would be open to both the parties to raise all the pleas in favour of or against the party having a right to ask leading questions from her own witness and also on the aspect whether in the present case, the same should be done or not. It is further made clear that in case, such an application is not filed within a period of one week from today, then, the present revision petition would be deemed to have been dismissed.

27.03.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**