



282

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

**CR-2445-2024
DECIDED ON: 14.01.2025**

KUSHAL BOLARIA

.....PETITIONER

VERSUS

SUKHMAN BOLARIA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Ms. Priya Hingorani, Senior Advocate with
Mr. Himanshu Yadav, Advocate,
Mr. Aditya Bajaj, Advocate
(through Hybrid mode) and
Mr. Arun Singla, Advocate
for respondent No.1.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 15.03.2024 passed by the Court of learned Additional District Judge, Chandigarh vide which the application filed by the respondents under Section 91 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking a direction to the present petitioner to provide complete detailed documents regarding his assets, income and expenditure was allowed.

2. The facts, as emanating from the paper book, are that a petition (Annexure P-1) was filed by the petitioner under Section 13 of the Hindu Marriage Act, 1955 (for short 'HMA') for dissolution of marriage. The said petition was opposed by way of a written statement (Annexure P-2). During the pendency of the petition, an application under Section 91 Cr.P.C. was moved by the respondents seeking a direction as referred to above. The said

**CR-2445-2024****-2-**

application was allowed by the Court concerned by way of the impugned order, leading to the filing of the present revision petition.

3. A reply has been filed to the present revision petition in which it has been admitted that the application was preferred under Section 91 Cr.P.C. though erroneously.

4. I have heard learned counsel for the parties.

5. The solitary contention raised by learned counsel for the petitioner is that the application was moved under the wrong provision of law and that as per the provision under Section 21 of the HMA, it would be the Code of Civil Procedure, 1908 (for short 'CPC') which would be applicable to the proceedings. She submits that under the circumstances, the order is not sustainable.

6. Per contra, learned counsel for respondent No.1 submits that mere wrong mentioning of a provision in the application would not render the order a nullity. She submits that the said issue was raised before the Court concerned also and was duly dealt with by the said Court.

7. I have considered the submissions made by learned counsel for the parties. No doubt, as per the provisions of Section 21 of the Hindu Marriage Act, it is the CPC which would be applicable to the proceedings. It is also an admitted fact that the application moved by the respondent was under Section 91 of the Cr.P.C. However, in the considered opinion of this Court, only the wrong mentioning of the provision would not render the impugned order a nullity. The procedure adopted by the Court concerned for the decision of the application was not anything specific to the Cr.P.C. but only a response was sought by the opposite parties and thereafter, the application was decided. This is exactly what would have been done had the



CR-2445-2024

-3-

application been filed under the relevant provisions of CPC. In fact, this very objection was raised before the Court concerned also and was dealt with by the Court. It was held that mere mentioning of wrong provisions of law would not render the application to be non-maintainable. It was also noticed that the contents of the application were in consonance with the other civil proceedings on record.

8. I do not find any jurisdictional error in the said order thereby warranting interference.

In view of the aforementioned facts and circumstances, I do not find any merit in the present revision petition and the same is accordingly dismissed.

14.01.2025
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

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



CR-2445-2024