



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

**FAO-2982-2025 (O&M)  
Date of Decision: 10.07.2025**

**KANISHKA SHARMA** **VS.** **... APPELLANT**

**HARSH SHARMA** **.. RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Kshitiz Goel, Advocate,  
for the appellant.

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**ANIL KSHETARPAL, J. (ORAL)**

1. The petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act read with Section 7 of the Family Court Act, 1994 for dissolution of marriage between the parties by a decree of divorce is pending.
2. The appellant has filed an application under Section 24 of the Hindu Marriage Act, 1955 for grant of maintenance *pendente lite* which is also pending.
3. Both the parties to the litigation filed respective applications for production of documents. The respondent produced ITRs for the period of marriage, separation and filing of application for maintenance. He further made a statement that he is not in possession of remaining documents. Similarly, in the application filed by the appellant, she stated that she is not in possession of the documents.
4. Learned counsel representing the appellant submits that in view of Orders 10 and 11 of CPC, the Court was bound to issue direction to the

respondent to produce the documents, failing which adverse inference should have been drawn.

5. This Court has considered the submissions made by learned counsel representing the appellant.

6. The respondent has already made a statement that he is not in possession of the remaining documents. As per the provisions of the Bharatiya Sakshya Adhiniyam, 2023 the Court is entitled to draw adverse inference if the parties fail to produce relevant material documents/evidence which are in their possession. However, this can be drawn only at the appropriate stage. While deciding the application, the Court is not expected to pass pre-emptory order.

7. With the aforesaid observations, the appeal stands disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**10.07.2025**  
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**(ROHIT KAPOOR)**  
**JUDGE**

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether Reportable        | : Yes/No |