



CRR(F)-888-2024

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

**CRR(F)-888-2024
Date of Decision: 03.02.2025**

Deepak @ Deepak Mehta

..... Petitioner

Versus

Garvita Mehta and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

Mr. Amar Kumar, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present revision petition has been filed challenging the order dated 30.05.2024 passed by learned Additional Principal Judge, Family Court, Faridabad whereby the cross-examination of the respondent-wife has been ordered to be treated as NIL.

2. Learned counsel for the petitioner has submitted that it is a case where a petition under Section 125 Cr.P.C. has been filed by the respondent/wife for grant of maintenance, although opportunities were granted to the petitioner/husband for cross-examination of the respondent/wife but due to various reasons the matter was adjourned from time to time and the respondent/wife could not be cross-examined and by way of the impugned order, it was so directed by learned Additional Principal Judge, Family Court, Faridabad that the cross-examination of the respondent/wife shall be treated as NIL. He referred to the interlocutory orders passed by learned Family Court vide Annexure P-1 wherein he

ordered that although for a number of times, the matter was adjourned but for two times, it was adjourned at the instance of the request made by the counsel for the respondent/wife and for once it was adjourned because she had rather made a statement that the application for interim maintenance was pending. He further submitted that it is not only the fault of the petitioner/husband that the matter was repeatedly being adjourned and submitted that the petitioner/husband seeks only one effective opportunity to cross-examine the respondent/wife, who has deposed as prosecution witness.

3. On the other hand, Mr. Amar Kumar, Advocate has caused appearance and filed Memo of Appearance on behalf of the respondents, which is taken on record. He submitted that in case the petitioner wishes to have only one opportunity to cross-examine the respondent/wife, then the same can be granted by this Court but heavy costs have to be paid by the petitioner/husband because it was at his instance that the petition under Section 125 Cr.P.C. got delayed.

4. After hearing the learned counsels for the parties and after perusing the orders passed by learned Family Court, this Court is of the considered view that the only prayer of the petitioner is that he may be granted only one effective opportunity to cross-examine the respondent/wife and it is a case of learned counsel for the respondent that in case the opportunity is granted, then it should be granted with heavy costs.

5. Considering the aforesaid submissions made by both the learned counsels for the parties, the present petition is allowed. The impugned order dated 30.05.2024 to the extent that cross-examination of the respondent/wife has been ordered to be treated as NIL is set aside. It is directed that learned Family Court shall now grant one effective opportunity to the

petitioner/husband to cross-examine the respondent/wife. The aforesaid opportunity shall be granted, subject to payment of Rs.20,000/- as costs which shall be paid by the petitioner/husband to the respondent/wife. In addition to above, the litigation costs for the present petition is also fixed at Rs.10,000/- which shall also be paid by the petitioner/husband to the respondent/wife. It is only on the payment of the aforesaid costs of Rs.30,000/- which shall be paid by the petitioner/husband to the respondent/wife by way of a demand draft in her name that one effective opportunity shall be given.

03.02.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |