

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

CRM-M-44525 of 2025(O&M)

Date of Order:18.08.2025

Gagandeep Singh

.Petitioner

Versus

Hardeep Kaur and others

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

**Present: Mr. Kunal Dawar, Advocate
for the petitioner.**

SHALINI SINGH NAGPAL, JUDGE

1. Prayer in this petition is for setting aside order dated 05.06.2025, of learned Additional Principal Judge, Family court, Faridabad, vide which evidence of the petitioner before this Court was closed by Court order.

2. Learned counsel for the petitioner argued that after framing issues in the petition under Section 125 Cr.P.C., learned Additional Principal Judge, Family Court, Faridabad, adjourned the case for petitioner evidence making it clear that both parties would be given three effective opportunities to conclude their respective evidence. He further argued that while the respondent-wife was granted 8 effective opportunities over a period of one year and six months, the petitioner/husband was given only two effective opportunities to lead and conclude evidence, thus, greatly prejudicing his rights. It was argued that the claim of Rs.1,00,000/- per month as maintenance was to be refuted by bringing on record financial statements of the respondent-wife to prove her income. Therefore, order under challenge



deserved to be set aside.

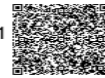
3. Record perused.

4. In the petition under Section 125 Cr.P.C., sum of Rs.1,00,000/- has been claimed by the respondent-wife for respondent nos.2 and 3, minor children of the parties. After completing the pleadings of the parties, issues were settled by learned Additional Principal Judge, Family Court, Faridabad, on 08.08.2023. The case was adjourned to 04.01.2024, for petitioner's evidence with a clear mandate as under:-

“.....It is made clear that both the sides shall be given three effective opportunities to conclude their respective evidence, to be recorded through Local Commission from the list of LCs provided in this Court.....”

5. On 04.01.2024, 23.04.2024 and 26.07.2024, no evidence of the petitioner was present and she exhausted all three effective opportunities. Yet, learned Additional Principal Judge, Family Court, Faridabad, afforded another opportunity to the petitioner to lead evidence on 27.09.2024.

6. On 27.09.2024, also no evidence of the petitioner was present. The case was adjourned to 04.12.2024. On 04.12.2024, again no evidence of the petitioner was present, the case was adjourned to 09.01.2025, last opportunity was granted. It was on the 6th date of adjourned hearing that petitioner was present, her examination-in-chief was recorded and cross-examination was deferred. Thereafter, again the matter was adjourned to 15.02.2025, on which date, no evidence of the wife was present and the matter was adjourned to 25.03.2025 for compromise. On 25.03.2025, compromise was not effected and the case was adjourned for cross-



examination of PW1 to 09.04.2025. On 09.04.2025, petitioner could not be examined and the case was adjourned for her cross-examination to 02.05.2025. On 02.05.2025, again an opportunity was granted to the petitioner to lead further evidence and the case was adjourned to 20.05.2025. On that date, when the petitioner failed to conclude evidence, her evidence was closed by court order.

7. From the above, it is clear that the respondent-wife was afforded as many as 8 effective opportunities to lead and conclude evidence.

8. On the other hand, petitioner/husband was given only two effective opportunities i.e. on 28.05.2025 and 05.06.2025. On 05.06.2025, when he failed to lead evidence, his evidence was closed by court order. Application for re-calling the order dated 28.05.2025 was declined.

9. Having noticed the factual position above, it is apparent that learned Additional Principal Judge, Family Court, has shown great hurry in closing evidence of the petitioner/husband without affording him adequate opportunity of leading evidence, in stark contrast to the 8 opportunities granted to the respondent-wife. Order dated 05.06.2025, of learned Additional Principal Judge, Family Court, Faridabad, does not stand the test of judicial scrutiny and is clearly unfair and unjust.

10. Learned counsel for the petitioner states that besides the petitioner, he has to examine five official witnesses. Petitioner/husband shall submit a list of witnesses before learned Additional Principal Judge, Family Court, Faridabad, whereafter the Court shall afford him two more effective opportunities to lead and conclude evidence.

11. Accordingly, order dated 05.06.2025, is hereby set aside. Parties



through their counsel shall appear before learned Additional Principal Judge, Family Court, Faridabad, on 01.09.2025, and the learned trial court shall proceed to record evidence of the petitioner-husband as per direction.

12. The revision petition stands allowed on the terms above.
13. All the pending miscellaneous applications, if any, are also disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

18th August, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No