



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

120

CR-5436-2025

Date of decision: 13.08.2025

Jaspreet Singh

...Petitioner

Versus

Gurshabad and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present : Mr. Mohd. Jameel, Advocate, for the petitioners.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India, for setting aside of the impugned order dated 29.10.2024 (Annexure P-5) passed by learned Principal Judge, Family Camp Court, Malerkotla, whereby, evidence of the petitioner has been ordered to be closed.

2. The brief facts of the case are that the marriage of Harpreet Kaur (mother of the plaintiff) was solemnized with the petitioner on 16.03.2003, as per Hindu Sikh rites, at Village Abdullapur, Tehsil and District Malerkotla. Out of the said wedlock, one male child, namely Gurshabad Singh-plaintiff/respondent No.1, was born on 11.10.2008. It is alleged that the conduct of the petitioner towards his wife was extremely cruel; he had assaulted her physically without any fault on her part and failed to make any arrangement for her livelihood. Subsequently, through his mother, the plaintiff/respondent No.1 instituted Civil Suit No. 11 dated 30.10.2014 against the petitioner and his mother, Baljinder Kaur, seeking fixation of maintenance along with the relief of permanent injunction



restraining the petitioner from alienating the suit land by way of Will, mortgage, or in any other manner. During the pendency of the suit, the plaintiff/respondent No.1 moved an application under Order XXXIII Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking permission to institute the suit *in forma pauperis*. Thereafter, the amended plaint was taken on record by the learned Civil Judge, Malerkotla, to which the petitioner/defendant No. 1 filed his amended written statement. On 02.07.2024, the plaintiff closed his evidence and the matter was adjourned to 16.07.2024 for the evidence of the petitioner/defendant No. 1. It is stated that no defence witness appeared for evidence on 17.09.2024, 08.10.2024, and 21.10.2024, and consequently, vide order dated 29.10.2024, the evidence of the petitioner/defendant No. 1 was ordered to be closed.

3. Learned counsel for the petitioner submits that the petitioner had no intention to delay the disposal of the case. It is further submitted that although his counsel had appeared before the concerned Court, the petitioner was never advised to remain present for the purpose of recording his evidence. Ultimately, it is prayed that the petitioner may be granted one more effective opportunity to appear before the learned Family Court, Malerkotla, for adducing his evidence.

3. I have learned counsel for the petitioner and perused the paper book.

4. Keeping in view the aforesaid facts and circumstances, the impugned order dated 29.10.2024 is set aside and petitioner is directed to appear before learned Principal Judge, Family Camp Court, Malerkotla, on the date fixed and learned Principal Judge, Family Camp Court,



Malerkotla, is directed to give two effective opportunities to the petitioner to conclude his entire evidence.

5. The present petition is disposed of accordingly.

August 13, 2025
anil

(AMARINDER SINGH GREWAL)
JUDGE

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