

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

(117)

CR-5437-2025Date of Decision:-**13.08.2025**

RUPALI JAIN

... Petitioner

Versus

ROBIN GARG

... Respondent

-.-

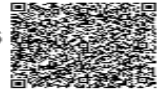
CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Nitin Jain, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This petition under Article 227 of the Constitution of India has been filed for setting aside order dated 10.07.2025 (Annexure P-6) passed by learned Family Court, Panchkula vide which the evidence of the petitioner/respondent was closed by order.

2. The history of litigation, as detailed in paragraphs 2 to 2(xii) of the petition, clearly shows that the petitioner/respondent was present in court on numerous dates, namely 22.11.2024, 03.12.2024, 12.12.2024, 07.01.2025, 17.01.2025, 28.01.2025, 06.02.2025, 14.02.2025, 06.03.2025, and 14.11.2024. The judge was on leave on 27.02.2025 and 23.05.2025, proceedings were suspended by the Bar on 09.04.2025, and the matter was subsequently assigned to another court. While it is true that the petitioner/respondent was absent on three occasions i.e. 13.03.2025, 25.03.2025, and 29.04.2025, the impugned order records that the

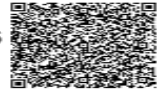


petitioner/respondent's evidence was closed on the basis that she had already availed themselves of 15 effective opportunities. However, the above history clearly demonstrates that the petitioner/respondent was present on multiple dates and was only absent on three occasions. Although the case has been pending for a considerable time and such matters warrant expeditious disposal, the impugned order dated 10.07.2025, reproduced below, warrants closer scrutiny:-

“Today the case is fixed for evidence of the respondent. No RW is present. Perusal of the file reveals that the respondent has already availed 15 opportunities and today is 16th opportunity for the same but has failed to comply. It is pertinent to mention that present case pertains to the year 2020 and is listed in the target cases for this disposal during the year 2025-26. Therefore, this court has no option but to close the evidence of the respondent. Now, the case is adjourned to 17.07.2025 for arguments.

Arguments on the application under Section 24 of HMA shall also be heard on the date fixed.”

2.1 The order clearly indicates that the evidence was closed in an attempt to dispose of an ‘Action Plan’ case. While ‘Action Plan’ cases are required to be disposed of within the specified year, there is no directive from any authority permitting the curtailment of due process of law to achieve this objective. Rather, the ‘Action Plan’ serves to highlight cases that have become old and need to be disposed of expeditiously in accordance with law. In light of these facts and circumstances, it appears that the learned Court committed a material jurisdictional error by closing the petitioner/respondent's evidence prematurely. The petitioner/respondent prays for only two effective opportunities to conclude the evidence. A perusal of the record shows that part of the petitioner/respondent's testimony



has already been recorded. Consequently, the revision petition filed by the petitioner is allowed, the impugned order is set aside, and the revision petitioner is granted two effective opportunities to lead evidence.

3. Learned counsel for the petitioner has submitted that the case is listed for tomorrow, i.e., 14.08.2025, and that he is prepared with the affidavit of the father, his own testimony, and supporting documents. The revisionist shall file an affidavit before the Family Court informing that this revision has been allowed in the event the copy of order is not made available to the petitioner/respondent. The Court is directed to permit the petitioner to lead evidence by granting two effective opportunities.

4. Copy of this order be provided to the learned counsel for the petitioner under the signatures of Court Secretary of this Bench.

13.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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