

CRR-F-1644 of 2024

2025.PHHC.004401



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

CRR-F-1644 of 2024

Date of decision: 07.01.2025

Chetan

.....Petitioner

Versus

Rimpi

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Ashok Baliyan, Advocate,
for the petitioner.

NAMIT KUMAR, J.

1. Instant revision petition has been filed by the petitioner impugning the order dated 09.12.2024, passed by the learned Family Court, Panchkula, whereby application filed by the respondent for adducing additional evidence by summoning the Branch Manager, HDFC Bank, Sector 11, Panchkula, and concerned Manager from Maruti Suzuki Autosales, Phase-1, Panchkula, has been allowed.

2. Briefly stated, the facts of the case, as have been pleaded in the petition, are that marriage was solemnised between the petitioner and respondent on 04.08.2013 at Devi Nagar, Sector 3, Panchkula, according to Hindu rites. Respondent left the matrimonial home on 10.10.2014 and thereafter filed complaint under the Protection of Women from Domestic Violence Act, 2005 on 20.10.2014 and the



same was dismissed by the Court of learned Judicial Magistrate Ist Class, Panchkula, vide order dated 24.08.2018. Thereafter, petitioner filed petition under Section 9 of the Hindu Marriage Act against the respondent, which was decided by the Court of learned Additional District Judge vide order dated 02.09.2015 and the respondent was directed to live with the petitioner, however, she refused to live with the petitioner and the petitioner filed execution petition, wherein respondent stated that she did not want to join the matrimonial home. Thereafter, petitioner filed a petition under Section 13 of the Hindu Marriage Act on 27.03.2018, however, the same was withdrawn on 21.12.2018 as a joint petition under Section 13-B of the Hindu Marriage Act was filed on the same date before the Principal Judge, Family Court, Panchkula. However, in the second motion statement she refused to give divorce to the petitioner. Thereafter, respondent filed a petition under Section 125 Cr.P.C. against the petitioner on 06.03.2020 wherein after closing her as well as the evidence of the petitioner, respondent filed an application to adduce evidence by summoning the Branch Manager from HDFC Bank, Sector 11, Panchkula, and concerned Branch Manager from Maruti Suzuki Autosales, Plot No.388, Industrial Area, Phase 1, Panchkula, which has been allowed by learned Principal Judge, Family Court, Panchkula, vide order dated 09.12.2024. Hence, present revision petition.

3. Learned counsel for the petitioner has contended that the learned Family Court has erred in allowing the application for additional evidence filed by the respondent. He further contended that



application of the respondent has wrongly been allowed as she had failed to summon the witnesses in question despite availing sufficient opportunities. He further contended that the learned Family Court has failed to appreciate that allowing additional evidence application at this belated stage would cause undue prejudice to the petitioner.

4. I have heard learned counsel for the petitioner and perused the record.

5. Perusal of the file shows that factum of petitioner being employed with Maruti Suzuki Autosales, Phase-1, Panchkula, and having account with the HDFC Bank, Sector 11, Panchkula, came to the knowledge of the respondent during cross-examination of the petitioner, meaning thereby earlier she was oblivious of the said fact. In the opinion of this Court, proof of income of the petitioner is essential for adjudication of the application filed by the respondent. No prejudice has been caused to the petitioner by allowing the said application as he would have an opportunity to cross-examine the summoned witnesses. Therefore, the application filed by the respondent for additional evidence has rightly been allowed by the Family Court.

6. This Court while exercising its revisional powers has very limited jurisdiction, which can only be exercised, (i) when the Courts below have acted beyond jurisdiction vested in them or (ii) have not exercised the same diligently and (iii) have exercised illegally.

7. Learned counsel for the petitioner has not been able to show any such infirmities in the impugned order.



8. Finding no merit, the present revision petition is dismissed
in limine.

07.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No