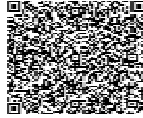


IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:079503



Civil Revision No. 3144 of 2026 (O&M)

Date of Decision: 18.05.2026

Manvir Kaur

.....Petitioner

versus

Harvarinder Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Mohit Vashisth, Advocate, for the petitioner

RAMESH KUMARI, J.

By way of filing the present civil revision, the revisionist-wife had assailed the impugned order dated 05.03.2026 passed by the Principal Judge, Family Court, Ludhiana whereby both the parties were directed to give their voice samples.

2. Learned counsel for the petitioner-wife submitted that the respondent-husband had filed a petition under Section 13 of the Hindu Marriage Act, 1955 levelling baseless allegations. The wife filed written statement and thereafter issues were framed. Opportunity was granted to the respondent-husband to lead evidence but he failed to conclude and therefore, his evidence was closed by the order of Court. The petitioner-wife examined herself and tendered documents. After closure of the evidence of the petitioner-wife, the case was fixed for rebuttal evidence whereby the respondent-husband had moved an application for directing the petitioner-wife

for giving her voice sample for comparison with her voice in the recorded audio. The wife filed reply to the said application and prayed for its dismissal.

3. Learned counsel for the petitioner further submitted that vide the impugned order dated 05.03.2026, the learned trial Court erroneously allowed the said application. The learned trial Court failed to appreciate that rebuttal evidence is allowed under Order 18 Rule 3 CPC where the onus of any issue is upon the respondent and the petitioner reserves his right during his evidence to produce any evidence in rebuttal and closes his evidence in affirmative. Since the evidence of the husband was closed, no such right in rebuttal was reserved and this application could not have been allowed. Learned counsel for the petitioner-wife prayed for setting aside the impugned order. In support of his contention, learned counsel for the petitioner has placed reliance on the judgment rendered by this Court in *Varinder Pal Singh vs. Vinod Kumar and others, CR No. 5696 of 2025, decided on 25.08.2025*.

4. The impugned order also reflects that the husband levelled allegation of extramarital relations of the petitioner with other person and during one conversation between the parties she herself admitted that she was having illicit relations. One pen-drive Ex.P2 along with transcription of conversation between the parties as Ex.P2/B qua admission of the wife was produced on record alongwith certificate under Section 65-B of the Indian Evidence Act as Ex.P2/A. The allegations of the husband are that the wife became pregnant from that person and on 04.03.2020 she gave birth to a male child. The learned trial Court in order to adjudicate upon the controversy between the parties ordered that voice samples of both the parties are required to be taken.

5. In *Varinder Pal Singh's case (supra)*, the application for examining the hand-writing expert in rebuttal evidence was dismissed by the learned trial court in a suit for recovery and order of the learned trial Court was upheld by this Court.

6. However, the facts of the present case are different from the case cited (*supra*). First of all, the case in which the application for taking voice samples of the petitioner-wife and respondent-husband is allowed, does not pertain to a civil suit but it pertains to a divorce petition filed under Section 13 of the Hindu Marriage Act, 1955. The divorce petition is being adjudicated by the Family Court. Under Section 10(3) of the Family Courts Act, 1984, a Family Court can lay down its own procedure with a view to arrive at a settlement in respect of the subject matter of the suit or proceedings or at the truth of the facts alleged by the one party and denied by the other. Section 10(3) of the Family Courts Act, 1984 reads as under:-

“10. Procedure generally.—

(1) xx xx xx

(2) xx xx xx

(3) Nothing in sub-section (1) or sub-section (2) shall prevent a Family Court from laying down its own procedure with a view to arrive at a settlement in respect of the subject-matter of the suit or proceedings or at the truth of the facts alleged by the one party and denied by the other.”

7. Under Section 14 of the Family Courts Act, 1984, the strict provisions of the Indian Evidence Act are not applicable to conduct proceedings in a Family Court.

8. To adjudicate the allegation with regard to extra marital affairs of the wife with the third person, the learned trial Court rightly ordered taking the voice samples of the husband and the wife for the purpose of comparison with

her voice in a pen drive wherein she stated to have admitted her illicit relationship with another person.

9. In view of the above, this Court does not find any illegality or irregularity in the impugned order dated 05.03.2026 passed by the Principal Judge, Family Court, Ludhiana and consequently, the revision petition filed by the petitioner-wife stands dismissed.

(RAMESH KUMARI)
JUDGE

18.05.2026
ravinder

Whether speaking reasoned	√Yes/No
Whether reportable	√Yes/No