

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

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CRM-M-33027-2026***Date of decision: 01.07.2026***

Piyusha Tiwari

*.....Petitioner**Versus*

Sarita Sharma and Anr

*.....Respondents***CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Atul Lakhanpal, Sr. Advocate

Ms. Neha Lakhanpal, Advocate for the petitioner.

AARADHNA SAWHNEY, J (ORAL)

By virtue of filing instant petition under Section 528 of BNSS, petitioner has assailed order dated 22.05.2026 (Annexure P.9) whereby learned Addl. Principal Judge, Family Court, Faridabad allowed the application of respondent No.1 for leading additional evidence and summoned the Sales Manager of the Hindustan Petroleum Corporation Limited, Delhi along with complete record of M/s Raj Gas Agency.

While mentioning the factual backdrop of the case, learned counsel contends that a matrimonial dispute is going on between respondent No.1-Smt Sarita Sharma and her husband-respondent No.2. In connection therewith, respondent No.1 has filed a petition under Section 125 Cr.P.C seeking maintenance from her husband-respondent No.2. Along with the petition, respondent No.1 also annexed an affidavit disclosing her assets and liabilities. In support of the averments, she stepped up in the witness box as PW2 and subsequently moved an application on 18.04.2025 for summoning various witnesses.

Learned counsel further contends that in none of the referred proceedings, there has been any reference of M/s Raj Gas Agency, which is the proprietary concern of late Smt Raj Kumari Gaur, mother-in-law of petitioner and respondent No.1. It is further contended that on account of matrimonial discord between both the respondents, Smt Raj Kumari Gaur during her life time had disowned both the respondents and a notice in this regard was published in the



Daily Newspaper, a copy of which is annexed as Annexures P-5A to P-5C. It is further the submission of learned counsel that during her life time, Smt Raj Kumari Gaur nominated the petitioner as the sole proprietor of said Gas Agency. Consequently, petitioner is independently associated with the affairs of the aforesaid Gas Agency and has absolutely no concern whatsoever with the ongoing maintenance proceedings between both the respondents.

Continuing further, learned counsel contends that learned trial Judge while allowing the application moved by respondent No.1, summoned the witnesses without verifying the relevance of the evidence sought to be adduced. That apart, an application was also filed by the petitioner requesting the trial Judge for modifying the summons/communication issued for production of information/records relating to Raj Gas Agency but the same was not even entertained. Thus, in crux, submission of learned counsel for the petitioner is that by allowing the said application moved by respondent No.1, learned trial Court has embarked upon a roving and fishing inquiry without going through the pleadings of both the contesting respondents.

At this stage, learned counsel confines his prayer to direct the learned trial Court to decide the petitioner's application dated 15.05.2026 (Annexure P.7), in accordance with law.

Heard. Documents perused.

Without expressing any opinion on the merits of the case, petition is disposed of with a direction to the Addl. Principal Judge, Family Court, Faridabad to decide the application dated 15.05.2026 moved by the petitioner by passing a well reasoned speaking order, after affording an opportunity of hearing to both the parties.

The aforesaid exercise shall be completed as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a certified copy of this order.

01.07.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No