



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

(114)

CR No. 1115 of 2025 (O&M)

Date of Decision: 21.02.2025

Pooja Bai

...Petitioner

Vs

Sandeep Kumar

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajesh K. Dhankhar, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Present revision petition is directed against the order dated 24.10.2024 (Annexure P-3) passed by the Court of learned Principal District Judge, Family Court, Bhiwani, vide which the evidence of the petitioner (respondent therein) was closed.

2. The facts, as emanating from the revision petition are that Sandeep Kumar, husband of the present petitioner preferred a petition under Section 13(1) (ia) of the Hindu Marriage Act, 1955 for dissolution of marriage. After the pleadings were completed and issues were framed, evidence commenced. Evidence of the respondent herein was closed on 27.10.2023 and evidence of the petitioner herein started on 21.12.2023. However, vide the impugned order dated 24.10.2024, the evidence of the petitioner was closed, leading to filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that only two witnesses remained to be examined and the petitioner would require only one effective opportunity to examine the same. Learned counsel submits that though sufficient opportunities had been availed by the petitioner, it would

be in the interest of justice if last opportunity is granted for conclusion of her evidence.

5. I have considered the submissions made by learned counsel for the petitioner.

6. There would be no necessity of issuing notice to the respondents, for in view of the nature of the order that is proposed to be passed, no prejudice would be caused to him.

7. The impugned order shows that despite having availed one last opportunity, evidence was not concluded. As is evident from the petition and from the arguments addressed by learned counsel for the petitioner, evidence of the respondent herein was closed on 27.10.2023 and the evidence of the petitioner commenced on 21.12.2023. Sufficient opportunities were granted to the petitioner in which only one witness was examined i.e., the petitioner herself. The petitioner wants to examine her parents and seeks one effective opportunity to conclude her evidence. In the considered opinion of this Court, one effective opportunity deserves to be granted to the petitioner to conclude her evidence as no party should be non-suited on technicalities.

In view of the above, the present revision petition is allowed and the impugned order dated 24.10.2024 is set aside. The Family Court is directed to grant one effective opportunity to the petitioner to lead and conclude her evidence on a date to be fixed as per the convenience of the Family Court.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

February 21, 2025

Rekha

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