

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

120

**CM-7921-CII-2025 IN/AND
RA-CR-30-2025 IN CR-565-2025
Date of Decision : 25.04.2025**

LOVE GOGIA

.... Review applicant

VERSUS

TANNU DUA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Review applicant – Love Gogia – joined through hybrid mode.

ALKA SARIN, J. (ORAL)

1. Civil revision petition being CR-565-2025 was filed by the review applicant herein – Love Gogia – challenging the order dated 05.12.2024 (Annexure P-2 in the main petition) passed by the learned Additional Principal Judge, Family Court, Faridabad whereby further cross-examination of the respondent – Tannu Dua – by the review applicant herein (petitioner in the main petition) was disallowed in view of the orders passed by this Court in earlier proceedings. Another prayer in the main petition was for initiation of appropriate action concerning fraudulent acts including reliance on forged documents and misrepresentation as revealed during the proceedings. Subsequently, after the matter had been heard and reserved on 17.02.2025, the review applicant sent an e-mail to the Coordination Branch, High Court, Chandigarh at 12:42 pm on 18.02.2025 under the heading '*Submission Pursuant to Reservation of Judgment*'. Entire submissions verbatim were reproduced in the order dated 27.02.2025 considering the fact that the review applicant is in a habit of repeatedly filing applications followed by e-mails before this Court as well as before the Family Court

concerned. Vide a detailed order dated 27.02.2025 passed by this Court the main revision petition being CR-565-2025 was dismissed dealing with all the submissions.

2. Subsequently, the present review application being RA-CR-30-2025 was filed seeking review of the order dated 27.02.2025. The heading of the review application reads as under :

'Application under Section 114 and 151 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 and other provisions of law seeking review of order dated 27.02.2025 issued in CR-565-2025, Love Gogia Vs. Tannu Dua, on grounds of discovery of new evidence, errors apparent on the face of record, material irregularities, potentially legitimizing fraud, denial of fair trial and to meet reasonable and legitimate expectations, to avoid prejudice suffered due to acts of the Court and with the intent and purpose to meet the ends of substantive justice'.

3. In effect what the review applicant is seeking is a rehearing of the matter once again on merits. In the review application, para No.3.8 reads as under :

'3.8 Because none of the issues (a few are mentioned below) raised in the petition (CR-565-2025) under Article 227 have been considered in the impugned order,

thus forfeiting the remedy of petitioner's right to effective appeal:

- a) Whether this Court's order dated 22.08.2024 regarding disposal of application dated 16.09.2021 was complied by learned Trial Court order dated 02.09.2024 in its letter and spirit since the application was never adjudicated in its entirety? (Para 5.7(a) of petition).*
- b) Whether this Court's order dated 22.08.2024 granting three days' time for cross-examination was complied in its letter and spirit since the time so granted was never provided? Learned Trial Court's order dated 05.12.2024 is completely silent on these contentions. (Para 5.7(b), 5.8, 5.9, 5.10, 6.1, 6.2 of petition).*
- c) Whether learned Trial Court was justified in completely abdicating its duty to not independently assess the need for further cross-examination in light of the cross-examination not reaching its logical and legal end?*
- d) Whether learned Trial Court, with primary duty as fact-finding body in judicial hierarchy, is satisfied with its own records where over 50%*

of the prime witness's testimony remains untested?

- e) Whether mere 10.5 pages of transcribed testimony reconciles with a fair and adequate opportunity for the petitioner? This equates to approx. 2.5 hours per page. Does this not demonstrate a significant manipulation of the time granted, and a clear denial of the petitioner's right to effective cross-examination?*
- f) Whether the merits of the case are not affected by denying the petitioner's right to cross-examination and follow due process?*
- g) Whether learned Trial Court was justified in reducing its role to a mere time-keeper and even that function was not performed in the letter and spirit of this Court's order?*
- h) Whether learned Trial Court's order was justified in not addressing fraud committed upon this Court even after gaining knowledge and not informing this High Court? And whether such silence is in consonance with good conscience and equity?*

- i) *Whether allowing a battery of Advocates to psychologically pressure the petitioner during cross-examination, is consistent with the principles of a fair trial in a Family Court setting.*
- j) *Whether the application of hyper-technical procedural directives, to the exclusion of substantive considerations, can be used to deny the petitioner's fundamental right to a fair trial, due process and substantive justice'.*

4. The review application is a repetition of the same submissions which were made in the main case. The review application was listed on 24.03.2025 when the following order was passed :

'The present review application has been filed under Sections 114 and 151 CPC read with Order 47 Rule 1 CPC by the applicant – Love Gogia – who has joined through hybrid mode, seeking review of the final order dated 27.02.2025 passed by this Court in CR-565-2025.

The review applicant has contended that no action has been taken against the respondent – Tannu Dua – notwithstanding his written submissions e-mailed by him in the revision petition to the effect that the cross examination of his wife – Tannu Dua – conducted before the Family Court concerned proved on record the fact

that the documents submitted by her for expeditious trial were forged and that fraud has been committed before the Court.

Upon a query of this Court as to whether any application under Section 379 Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 340 of Code of Criminal Procedure, 1973) has been filed by him before the Court concerned, the review applicant could not point out any such application.

In the interest of justice, list on 25.04.2025’.

5. On 25.03.2025 at 21:14 hours, yet again, an e-mail was sent by the review applicant herein under the heading: ‘*Urgent request for immediate preservation of video conference recording of the hearings held on 24.03.2025 (post-lunch)*’. The contents of the said e-mail read as under :

‘1. The hearing for the above-mentioned case was conducted via video conferencing on 24.03.2025 (post-lunch).

2. I, Love Gogia, the petitioner in the above-mentioned case, respectfully submit this request for the preservation of the video conferencing (VC) recording of the aforementioned hearing.

3. Upon reading the order dated 24.03.2025 which was uploaded on the High Court’s website on 25.03.2025, I discovered material discrepancies between the

documented order and the events that transpired during the hearing.

4. In the interest of pursuit of justice and for ensuring the integrity of the judicial process, I respectfully request that complete VC recording of the hearing held on 24.03.2025 (post-lunch) be preserved in its entirety and original form. This recording constitutes a vital piece of evidence, providing an accurate and actual account of the proceedings. Its preservation is essential to facilitate a fair and impartial assessment by the competent/appropriate forum.

5. The primary purpose for which the judicial system was established in the first place is to discover, vindicates and establish the truth, as also observed by the Hon'ble Supreme Court of India is a catena of judgments.

Preserving this video recording is crucial to fulfilling this fundamental objective and maintaining the fairness of the judicial process.

6. I humbly requests that.

7. The entire video conference recording be secured and preserved.

The chain of custody for the recording be meticulously documented to maintain its integrity and authenticity and

A written confirmation of the preservation along with any reference number or related documentation also be provided.

8. This request is made solely to preserve crucial evidence in the pursuit of justice and is not intended as an allegation against any individual or institution.

9. If the above request is found to be outside your jurisdiction, the same kindly be forwarded immediately to the appropriate authority for preservation of the same, with intimation to me for which I shall be thankful'.

6. Thereafter an application being CM-7921-CII-2025 was filed by the review applicant for calling and examining the video conference records of hearings and to direct correction of orders dated 27.02.2025 and 24.03.2025. Along with this application, the review applicant has appended screenshots taken by him while the Court was in progress and clearly showing the Bench holding proceedings.

7. The 'Rules for Video Conferencing for Courts' were notified on 10.12.2021 and deal with the manner in which the VC proceedings are to be conducted. Chapter-II deals with the General Principles governing video conferencing and Clause 3(iii) thereof reads as under :

'All relevant statutory provisions applicable to judicial proceedings including provisions of the CPC, CrPC, Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated hereafter as the Evidence Act) and

Information Technology Act, 2000 (abbreviated hereafter as the IT Act) shall apply to the proceedings conducted by video conferencing’.

8. Clause 3(vi) clearly states that there shall be no unauthorized recording of the proceedings by any person or entity.

9. Today when the matter was called for hearing the review applicant has contended that in the order dated 27.02.2025 his relief qua initiation of action against whoever has committed fraudulent act in giving false documents has not been addressed. It is further the contention that as per the earlier orders of this Court dated 22.08.2024 passed in CM-4072-CII-2024 in CR-779-2024, the review applicant has not been granted three complete days and that the cross-examination had been conducted in question-and-answer form and not in the form of testimony. The review applicant further contends that a complete day was not given to him to cross-examine the respondent and that the cross-examination runs only into 10.5 pages and that half the cross-examination still remains. In the application being CM-7921-CII-2025 the review applicant has sought the reliefs as under :

‘Wherefore, the applicant humbly requests this Hon’ble High Court to :

- 1. Call for and examine the video conference records of the hearings held on 29.01.2025, 03.02.2025, 17.02.2025 and 24.03.2025 to verify the accuracy of orders, in the interest of transparency, fairness and justice: and*

2. Direct the correction the orders dated 27.02.2025 and 24.03.2025 by removing statements erroneously attributed to the applicant and ensuring the orders accurately reflect the averments made in CR-565-2025, RA-CR-30-2025, written submission dated 02.02.2025 and the events that transpired during the hearing’.

10. I have heard the review applicant.

11. The present is a classic case of misuse and abuse of process of law. The review applicant, who is a Graduate (as informed by him during the hearing) and is working in a Public Sector Undertaking. He seems to understand the law and its nuances very well as all proceedings before this Court and the family court are being conducted by him in person. The review applicant has tried to misuse the process of law at every possible stage. A perusal of the file reveals that the review applicant besides filing totally frivolous applications has also been sending repeated e-mails to the High Court post every hearing. So much so that he is wanting the video conferencing recording to be preserved as according to him the orders passed by this Court need to be verified. The attempt is clearly to over-awe the Court.

12. The repeated filing of applications and sending of emails post every hearing raising various issues regarding the hearing in Court is nothing but a colossal waste of precious Court time. The time being wasted by the Family Court and this Court in dealing with all the frivolous applications being filed by the review applicant can be better utilised in disposing off

other matters. It is habitual and incorrigible litigants like the petitioner who are partly responsible for clogging the system.

13. The petitioner by way of filing the review application wants to re-agitate the entire matter which is not permissible in law. Qua the second submission of the review applicant that his prayer for initiation of action against whoever has filed false affidavit/documents be considered, the same is as absurd as it can get. There is a provision in law i.e. Section 379 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 340 of the Code of Criminal Procedure, 1973) available for any person aggrieved by any false affidavit or false information having been given to the Court. The review applicant has till date not filed any such application which he is well within his rights to do. Further still, a prayer is made that action be taken against whoever had filed the false documents. What the review applicant expects is for the Court to embark on a roving and fishing inquiry and carry out an investigation as to who had filed the false documents as alleged by him. It is settled law that review proceedings cannot be equated with the original hearing of the case, repetition of earlier arguments is not enough to reopen concluded adjudications, an error apparent on the face of the record should not be an error which has to be fished out and searched. In view of the above, the review application is dismissed.

14. Further the application being CM-7921-CII-2025 filed by the review applicant for preserving the record of the video conferencing is also nothing but an abuse of the process of law. Video conferencing facility was provided for facilitation of hearing of matters where the counsel or the

parties were unable to come to the Court physically due to the situation created because of the pandemic Covid-19. Thereafter this facility was continued and accordingly the 'Rules for Video Conferencing for Courts' were formulated and adopted by this Court w.e.f. 10.12.2021. There is no provision in the said Rules for recording or preservation of the proceedings. It is unfortunate that the review applicant is misusing the facility of video conferencing, which has been extended to parties appearing in person as also to counsel, only to facilitate the hearing of the matter in case they are unable to attend the Court physically. As noticed in the earlier part of the order the petitioner has appended screenshots of the proceedings clearly showing the Court in progress. The 'Rules for Video Conferencing for Courts' specifically prohibit any unauthorised recording. The application CM-7921-CII-2025 is also dismissed.

15. This Court refrains itself from further commenting on the conduct of the review applicant which hinges on being contemptuous. After making submissions in Court and after filing applications on the judicial side, this Court cannot accept the attempts made by the review applicant to bulldoze the Court by sending emails separately. Knowing well the judicial procedures and decorum, the sending of separate communications about the merits of the case by the review applicant to the Court is uncalled for. A litigant can always make his submissions in Court, whether in person or through video conferencing. The review applicant should follow the settled procedures for making his submissions to the Court.

16. In view of the above, both the review application being RA-CR-30-2025 and the application being CM-7921-CII-2025 are dismissed. Pending applications, if any, also stand disposed off.

25.04.2025
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*