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

CR-1762-2025

Date of Decision: 24.03.2025

Navkiran Kaur

....Petitioner

Versus

Palwinder Singh

....Respondent

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Lovish Rattan, Advocate  
for the petitioner.

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**VIKRAM AGGARWAL, J (ORAL).**

The present revision petition is directed against the order dated 30.01.2025 (Annexure P-5) passed by the Court of learned Additional Principal Judge, Family Court, Amritsar vide which the application filed by the petitioner for recalling of witnesses for cross-examination was dismissed.

2. The facts, as emanating from the revision petition, are that a petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'HMA') was filed by the respondent/husband on 11.02.2022. The evidence of the respondent/husband was closed on 10.01.2024 and the matter was fixed for evidence of the petitioner/wife. Thereafter on 18.04.2024, an order was passed by the Court concerned that on 10.01.2024, three witnesses were present but they were not cross-examined despite they having been present from morning till evening. It was stated in the order that these facts could not be mentioned in the order dated 10.01.2024 but the same were mentioned on the proceeding sheet. Accordingly, the order dated 10.01.2024 was rectified and the cross-examination of the three witnesses who were stated to be present on 10.01.2024 was ordered to be treated as nil. This led to the filing of an application for recalling the said witnesses

(Annexure P-5) but the same has been dismissed by way of the impugned order, leading to the filing of the present revision petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the Court concerned erred in rectifying the order dated 10.01.2024, vide order dated 18.04.2024. He further submits that in any case, the petitioner prays for one opportunity to cross-examine the three witnesses failing which the rights of the petitioner shall be gravely prejudiced.

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

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

7. Admittedly, the petition was filed on 11.02.2022 and the evidence of the petitioner was closed on 10.01.2024. Learned counsel, during the course of arguments, very fairly submits that three witnesses of the petitioner were present on three dates but could not be cross-examined due to certain unforeseen circumstances. In any case, on 18.04.2024, the Court of learned Additional Principal Judge, Family Court, Amritsar passed the following order:

**“It has been brought into the notice of this court by the Ld counsel for the petitioner that on 10.01.2024, three witnesses were present but they were not cross-examined by the learned counsel for the respondent. They were present since morning till the evening so the cross-examination of all three witnesses was treated as Nil but due to inadvertency, these facts could not be mentioned in the order dated 10.01.2024 whereas the same has been noted on the proceeding sheet of the file. So the order dated 10.01.2024 required rectification. Accordingly, the cross-examination of three witnesses of the petitioner present on 10.01.2024 is hereby treated as NIL w.e.f. 10.01.2024. The petitioner also closed his evidence on the same day i.e. 10.01.2024 and the case was fixed for respondent evidence. Now**

case stands adjourned to 18.05.2024 for evidence of respondent, subject to last opportunity.”

8. Though this Court does not find any illegality in the said order, however, it is always in the interest of justice that matters are decided on merits rather than on technicalities. Under the circumstances, instead of treating the cross-examination as nil, the Court concerned should have granted another opportunity. Be that as it may, the present petition is now disposed of with a direction to the Court concerned to grant one effective opportunity to the petitioner/wife to cross-examine the three witnesses which had been produced by the respondent/husband on any date convenient to it.

The revision petition is accordingly disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**24.03.2025**

*Prince Chawla*

*Whether speaking/reasoned :* *Yes/No.*

*Whether reportable :* *Yes/No.*