



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

130

CR No.609 of 2025 (O&M)
Date of Decision: 27.03.2025

Balbir Singh

...Petitioner

V/s

Nisha and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Deepsikha, Advocate for
Mr. Sandeep Goyat, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

CM-5886-CII-2025

Prayer in the application preferred under Section 151 CPC is for placing on record the copies of interlocutory orders w.e.f. 15.05.2019 to 30.01.2025 as Annexure P-4 (colly).

For the reasons mentioned in the application, the same is allowed and the copies of interlocutory orders w.e.f. 15.05.2019 to 30.01.2025 are taken on record as Annexure P-4 (colly).

The Registry is directed to tag the same at an appropriate place in the case file.

CR-609-2025

The present revision petition is directed against the order dated 07.11.2024 (Annexure P-3) passed by the Court of learned Principal Judge, Family Court, Camp Court at Hansi, District Hisar, vide which the evidence of the petitioner was closed.

2. The petitioner filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short the "HMA") for dissolution of marriage before



the Court of learned Principal Judge, Family Court, Camp at Hansi, District Hisar. Vide the order under challenge, the evidence of the petitioner was closed leading to the filing of the instant petition.

3. I have heard learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner be granted only one opportunity to lead and conclude his evidence. Learned counsel submits that the case is still at the stage of evidence of the respondents and, therefore, no prejudice shall be caused to the respondents nor shall it cause any delay in the disposal of the case.

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

6. The petition under Section 13 of the HMA was instituted on 15.05.2019. After appearance of respondent No.1, issues were initially framed on 17.03.2022 though no written statement had been filed. At the same time, defence of the respondents was struck off on account of the written statement not having been filed. Thereafter, the matter remained pending for setting aside the order dated 17.03.2022. Eventually, the said order was recalled vide order dated 20.08.2022. After the filing of the written statement, issues were framed again on 11.01.2024. Thereafter, the matter remained pending for evidence of the petitioner, as also for decision on certain applications. The matter also remained pending for efforts for an amicable settlement since the parties had stated that there was likelihood of the matter being settled by way of an amicable settlement. Eventually, vide order dated 07.11.2024, the evidence of the petitioner was closed.

7. No doubt, sufficient opportunities were granted to the petitioner to lead and conclude his evidence. The oral evidence was closed by the petitioner himself on 29.08.2024 and the matter was fixed for documentary



evidence of the petitioner. It has been stated that certain documents are required to be produced along with certain other recordings etc, which are essential for the just decision of the case.

8. In the considered opinion of this Court one more opportunity deserves to be granted to the petitioner to produce the said evidence. It is settled law that matters should be decided on merits and parties should not be non-suited on technicalities. Under the circumstances, I deem it appropriate to grant one more opportunity to the petitioner to lead and conclude his evidence.

9. That being so, the revision petition is allowed and the impugned order dated 07.11.2024 (Annexure P-3) passed by the Court of learned Principal Judge, Family Court, Camp Court at Hansi, District Hisar, vide which the evidence of the petitioner was closed, is set aside. One more opportunity is granted to the petitioner to furnish documentary evidence/recordings etc. in accordance with law on a date to be fixed by the trial Court. This shall however, be subject to payment of costs of Rs.10,000/-, which shall be payable to respondent No.1.

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

(VIKRAM AGGARWAL)
JUDGE

March 27, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No