

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-3973-2024 (O&M)**
Date of Decision : 13.10.2025

Divesh Sapra ... Petitioner

Versus

Latika Sapra ... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARINPresent : Mr. P. Nourla, Advocate (through hybrid mode) and
Mr. Bhupinder Singh, Advocate for the petitioner.

Mr. Amitabh Tewari, Advocate for the respondent.

ALKA SARIN, J. (Oral)**CM-8771-CII-2025**

1. This is an application for amendment of the present revision petition.
2. For the reasons stated in the application, the same is allowed.
Amended petition is taken on record.

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3. Present revision petition has been filed challenging the order dated 10.08.2022 whereby the evidence of the petitioner was closed and the order dated 21.05.2024 vide which the application filed by the petitioner for re-calling of order dated 10.08.2022 has been dismissed.
4. Initially the present petition was filed impugning the order dated 21.05.2024 and no challenge was laid to the order dated 10.08.2022 whereby

evidence of the petitioner was closed. Thereafter, an application being CM-8771-CII-2025 was filed for amendment of the revision petition, which has been allowed.

5. Learned counsel for the petitioner would contend that the divorce petition was filed by the petitioner-husband on the ground of cruelty and that the petitioner was unable to conclude his evidence and vide order dated 10.08.2022 his evidence was closed. Learned counsel for the petitioner would further contend that given two effective opportunities, the petitioner would conclude his evidence at his own risk and responsibility as only two witnesses need to be examined i.e. the petitioner himself and his father.

6. *Per contra* learned counsel for the respondent would contend that despite several effective opportunities, the evidence was not concluded by the petitioner hence no fault can be found with the order dated 10.08.2022. Learned counsel for the respondent would further contend that as per provisions of Order XVIII Rule 3-A of the Code of Civil Procedure, 1908, the petitioner would have to appear as his witness first before examining any other witness.

7. Heard.

8. In the present case the challenge is to the order dated 10.08.2022 whereby the evidence of the petitioner was closed and the order dated 21.05.2024 whereby the application for re-calling of the order dated 10.08.2022 has been dismissed. As noticed above, initially the petition was filed challenging only the order dated 21.05.2024. Subsequently, an application being CM-8771-CII-2025 was filed for amendment of the petition challenging the order dated 10.08.2022, which has been allowed. Learned counsel for the petitioner has contended that two witnesses remain to be

examined i.e. the petitioner himself and his father and given two effective opportunities, the petitioner would conclude his evidence at his own risk and responsibility. No doubt the petitioner has been remiss in leading his evidence. However, keeping in view the nature of the litigation, this Court deems it appropriate to grant two effective opportunities to the petitioner to conclude his evidence, subject to payment of ₹30,000/- as costs to be paid to the respondent. The payment of costs shall be a condition precedent. The petitioner shall step into the witness box first in consonance with the provisions of Order XVIII Rule 3-A of the Code of Civil Procedure, 1908.

9. The revision petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

13.10.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO