

(2013) 08 P&H CK 0789

High Court Of Punjab And Haryana At Chandigarh

Case No: CR No. 4931 of 2013

Smt. Sapna Sharma

APPELLANT

Vs

Sudhir Kumar

RESPONDENT

Date of Decision: Aug. 19, 2013

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 18 Rule 17A
- Constitution of India, 1950 - Article 227

Hon'ble Judges: Paramjeet Singh, J

Bench: Single Bench

Advocate: C.B. Kaushik, for the Appellant;

Final Decision: Allowed

Judgement

Paramjeet Singh, J.

Instant civil revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 12.08.2013 (Annexure P-1) passed by the learned District Judge (Family Court), Bhiwani whereby evidence of the petitioner has been closed by the Court order. I have heard learned counsel for the petitioner and perused the record.

2. Learned counsel for the petitioner vehemently contends that there is a matrimonial dispute between the parties. The learned counsel further contends that the trial Court has observed that the petitioner has availed four opportunities to conclude her evidence, but in fact, the petitioner has availed two effective opportunities and on remaining two dates, the learned trial Court was on leave. The learned counsel further contends that the learned trial Court has fell in error while passing the impugned order (Annexure P-1). The learned counsel further contends that one more opportunity may be given to the petitioner to produce her entire evidence at her own risk and responsibility.

3. I have considered the contentions of learned counsel for the petitioner and perused the record.

4. It may be noted here that in Salem Advocate Bar Association, Tamil Nadu Vs. Union of India (UOI), , it has been held by the Hon"ble Supreme Court that notwithstanding the deletion of Order 18 Rule 17-A of CPC, the Court has inherent powers to permit parties to lead evidence on such terms as may appear to be just. In the present case, this Court is of the considered opinion that without serving notice upon the respondent, with a view to impart complete justice to the parties and to save expenses, which may be incurred by the respondent as also in order to avoid unnecessary delay in adjudication of the matter, ends of justice would be met if one effective opportunity is given to the petitioner-wife to produce her entire evidence at her own risk and responsibility, subject to costs of Rs. 4,000/- to be paid to respondent-husband. However, respondent-husband shall also be given an effective opportunity to adduce evidence in rebuttal, if he so desires. For the reasons stated above, the impugned order dated 12.08.2013 is set aside. The revision petition is allowed in the aforementioned terms.