

**IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA**

CMPMO No. 305/2026

Decided on: 19.06.2026

Rajni DeviPetitioner

Versus

Rohit ...Respondent

Coram:***The Hon'ble Mr. Justice Romesh Verma, Judge.****Whether approved for reporting?*¹

For the Petitioner: Ms. Meera Devi, Advocate.

For the Respondent: Nemo.

Romesh Verma, Judge (oral)

The instant petition arises out of order dated 02.06.2026, as passed by the learned Principal Judge, Family Court, Bilaspur, H.P., in HMA case No. 87-3/2022, titled as Rohit vs. Rajni Devi, whereby the evidence of the present petitioner/wife, namely, Rajni Devi, was closed by order of the Court.

2 The facts, as emerge in the instant case, are that respondent/husband, namely, Rohit, filed a petition under Section 13 (1) (i-a)(i-b) of Hindu Marriage Act, 1955 against the

¹Whether reporters of the local papers may be allowed to see the judgment? Yes.



present petitioner for dissolution of marriage by passing decree for divorce on the ground of desertion and cruelty.

3 The learned Family Court framed the issues in the said case and directed the parties to adduce their evidence in support of their contentions. The respondent/husband concluded his evidence on 18.06.2025 and thereafter, the case was fixed for evidence of the petitioner/wife on 13.08.2025 on steps being taken within ten days.

4 On 13.08.2025, neither RW was present nor steps were taken and the case was listed for 06.11.2025. Thereafter on 28.11.2025, the case was taken up for effective hearing, however no steps were taken for producing evidence on behalf of the petitioner/wife and thereafter the case was listed on 26.12.2025 and 11.03.2026, however the petitioner/wife did not take any steps for producing the evidence. On 10.04.2026 when the case was taken up, though requisite steps were not taken by the petitioner/wife for leading evidence, however, the matter was adjourned on the ground of illness of her father, subject to payment of costs of Rs.1000/-, failing which evidence would be deemed to be closed by Court orders and accordingly the case was fixed for 02.06.2026 for petitioner's evidence. Finally, the learned Family Court vide order dated 02.06.2026 closed the evidence of the petitioner.



5 Feeling dissatisfied with aforesaid order, dated 02.06.2026, the petitioner has approached this court by way of instant petition.

6 It is contended by Ms. Meera Devi, learned counsel for the petitioner that the impugned order dated 02.06.2026 is erroneous in the eyes of law and thus liable to be quashed and set aside. She has submitted that father of the petitioner, namely, Ram Lal Sharma, was present in the Court premises and he was duly examined, however unfortunately, he fell down in the Court premises on account of high blood pressure, therefore, under such circumstances, the petitioner was not in a position to record her statement and she refused to give her evidence on that day. She has further contended that keeping in view the facts and circumstances of the case and on account of illness of father of the petitioner, the impugned order could not have been passed by the learned Family Court.

7 I have heard the learned counsel for the petitioner and have also gone through the material available on record.

8 Perusal of the case file reveals that evidence of the respondent/husband was culminated on 18.06.2025, however neither any steps were taken nor witnesses were present on each and every date for leading the evidence on behalf of the petitioner.



9 It is pointed out by the learned counsel for the petitioner that the case is fixed for final arguments on 20.06.2026 before the learned Family Court.

10 In the considered opinion of this court, the impugned order, as passed by the learned Family Court, does not call for any interference as it does not suffer from any infirmity and illegality, however as a matter of indulgence and in the interest of justice and fair play coupled with persuasive submissions, as made by Ms. Meera Devi, Advocate, that on 02.06.2026 father of the petitioner after recording his statement fell down in the Court premises owing to high blood pressure and on that count, the petitioner could not record her statement, one last and final opportunity can be granted to the petitioner to record her statement. This indulgence is being shown in favour of the petitioner subject to payment of costs of Rs.10,000/- to be paid by her to the respondent.

11 In view of aforesaid discussions, the present petition is disposed of with a direction that one last and final opportunity shall be granted to the petitioner to lead and conclude her evidence subject to payment of costs of Rs.10,000/- to be paid by her to the respondent. Needless to say that in case cost of Rs.10,000/- is not paid, in that event, benefit of this order shall not be applicable to the petitioner. Pending application(s), if



any, also stands disposed of leaving the parties to bear their own costs.

19th June, 2026
(pankaj)

(Romesh Verma)
Judge