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

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Date of Decision:13.05.2026

Kamaljit

.....Petitioner

Versus

Talvinder Rani

.....Respondent

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Akshay Jain, Advocate for the petitioner.

NEERJA K. KALSON J.(Oral)

1. Present petition has been filed challenging the order dated 16.04.2026 passed by the learned Principal Judge, Family Court, SBS Nagar, whereby the evidence of the petitioner-husband was closed by order after dismissal of his application seeking adjournment.

2. Learned counsel for the petitioner contends that the impugned order is wholly illegal, arbitrary and against the settled principles governing fair opportunity to lead evidence. It is submitted that closure of evidence has resulted in serious prejudice to the defence of the petitioner and amounts to denial of fair trial. Counsel further submits that the petitioner could not appear before the learned Family Court on the relevant date as he had gone to attend proceedings before this Court and, therefore, the learned Court below ought to have granted one effective opportunity instead of adopting a hyper-technical approach.

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3. This Court has heard learned counsel for the petitioner and perused the paper-book as well as the impugned order.

4. A perusal of the impugned order itself reflects that the matter pertains to the year 2019 and had repeatedly been fixed for evidence of the petitioner herein. The learned Family Court has recorded in detail that the case had initially been fixed for evidence on 05.07.2025 and since then the petitioner had already availed as many as 13 effective opportunities to lead evidence. It has further been specifically noticed that despite repeated opportunities, even no list of witnesses or process fee/diet money had been filed by the petitioner.

5. The order further records that on earlier occasions also, undertakings had been given on behalf of the petitioner that his entire evidence would be produced on the next date, failing which the evidence be deemed closed. Despite such undertakings, adjournments continued to be sought on one pretext or another, including pendency of proceedings before the High Court. The learned Family Court has also specifically noticed that there was no stay operating against continuation of proceedings before it.

6. It further emerges from the record that even after the petitioner had once been proceeded against ex parte on 05.02.2026, the ex parte proceedings were set aside and another opportunity was granted subject to last opportunity. Even thereafter, the petitioner failed to produce evidence. The learned Family Court thus formed an opinion that the conduct of the petitioner-husband reflected an intention to delay the proceedings.

7. The contention raised before this Court that closure of

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evidence *ipso facto* amounts to denial of fair trial deserves rejection. The concept of fair trial is equally applicable to both sides. A litigant cannot seek shelter under the principles of natural justice while simultaneously frustrating expeditious adjudication by repeatedly avoiding the proceedings. Fair opportunity cannot be stretched into endless indulgence. Once adequate and repeated opportunities have been granted, the Court is fully competent to regulate proceedings and prevent abuse of process.

8. The impugned order reflects neither haste nor arbitrariness. Rather, it reflects considerable indulgence already shown by the learned Family Court over a prolonged period. The Family Court had granted repeated adjournments, restored the ex-parte proceedings, and even accepted undertakings furnished through counsel. Despite that, no sincere effort was made to conclude evidence.

9. Family Court proceedings, particularly matrimonial disputes, cannot be permitted to linger endlessly merely because one of the parties chooses not to cooperate with the judicial process. Delay itself often becomes a source of harassment in such litigation. Courts are therefore required to balance procedural fairness with judicial discipline and timely disposal.

10. This Court finds that the learned Family Court exercised its discretion judiciously and within the bounds of law. No perversity, illegality or jurisdictional error is made out warranting interference in exercise of inherent jurisdiction.

11. Consequently, finding no merit in the present petition, the same



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stands dismissed.

12. However, considering that adjudication on merits should ordinarily be preferred, it is observed that in case the petitioner-husband moves an appropriate application before the learned Family Court showing genuine and exceptional circumstances for non-production of evidence, the learned Court below shall remain at liberty to consider the same strictly in accordance with law, subject to appropriate terms and costs, if so warranted.

13. Nothing stated herein shall be construed as an expression of opinion on the merits of case.

13.05.2026

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(NEERJA K. KALSON)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No