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SLP(C)No. 3951 OF 2003  
ITEM No.59

Court No.10

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.3951/2003

(From the judgement and order dated 18/10/2002 in CR 5143/2002  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALJEET SINGH

PETITIONER (S)

VERSUS

HARLIVELEEN

RESPONDENT (S)

(With prayer for interim relief)

Date : 05/05/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Vijay K. Mehta, Adv.

For Respondent (s) Mr. S.R. Bhat, Adv.  
Mr. Naveen R. Nath, Adv.  
Mr. Sanjay Sharawat, Adv.  
Ms. Hetu Arora, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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Leave granted.  
The appeal is disposed of in terms of the signed  
order.

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Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3954 OF 2003@@  
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(Arising out of SLP(C)No. 3951/2003)

BALJEET SINGH

...APPELLANT

VERSUS

HARLEVELEEN

...RESPONDENT

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
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Leave granted.

The appellant made an application under Section 151 of the Code of Civil Procedure to recall his wife and her witness for cross-examination explaining under what circumstances his wife and her witness could not be cross-examined. The Trial Court dismissed the said application. The appellant filed Civil Revision No.5143/2002 before the High Court challenging the order passed by the Trial Court dismissing his application filed under Section 151 C.P.C. Unfortunately for him, the High Court also dismissed the Civil Revision Petition. Hence this appeal.

Learned counsel for the appellant explained the circumstances under which the appellant could not take appropriate steps to cross-examine his wife and her

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witness, one of the reasons being that on one date the lawyers went on strike. The learned counsel submitted that the appellant has no intention to drag on the proceedings. If an opportunity is provided, he will cooperate and proceed with the proceedings in the Trial Court.

In opposition, the learned counsel for the respondent-wife urged that there is no justification for the appellant in not taking appropriate steps and according to the learned counsel, the impugned order passed by the High Court affirming the order passed by the Trial Court is justified.

Having regard to the peculiar facts and circumstances of the case and taking note of the fact that the proceedings are matrimonial proceedings pending since 2001, we are of the view that an opportunity is to be given to the appellant to cross-examine the respondent-wife, one witness the mother examined on her behalf. Since the respondent is made to come to this Court for no fault of her, she needs to be compensated in

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terms of money. Under these circumstances, we dispose of this appeal by the following order :

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The impugned order is set aside. The appellant is given opportunity to cross-examine the respondent and her witness on the next date of hearing, subject to the appellant-husband paying a sum of Rs.3,000/- as costs to the respondent-wife. The appellant shall not take further adjournment in the proceedings and shall go on with the proceedings on the given date. We expect the

Trial Court to dispose of the matrimonial case pending before it as expeditiously as possible.

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.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
May 5, 2003.

.....J.  
(ARIJIT PASAYAT)