IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 471 of 2026
Date of Decision: 07.10.2026

Deepak Jaswal ...Petitioner.

Versus

Neha Thakur ...Respondent.

Coram
Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?[1]

For the petitioner : Mr. Naveen K.Bhardwaj, Advocate.

For the respondent: Nemo.

Romesh Verma, Judge (oral)

The instant petition arises out of the order passed by the learned Additional Principal Judge, Family Court, Amb, dated 10th June, 2026, whereby an application filed by the present petitioner (husband) under Section 151 of the Code of Civil Procedure seeking permission to lead additional evidence by examining the attesting witnesses of the Memorandum of Understanding and the Notary Public who notarized the said document, came to be dismissed.

2. The facts, as emerge in the present case, are that petition for the dissolution of marriage was instituted by the

[1] Whether reporters of Local Papers may be allowed to see the judgment?

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petitioner-husband in the Court of learned Additional Principal Judge, Family Court, Amb, District Una, H.P.

3. The said petition came to be resisted by the wife-respondent by filing a comprehensive reply, and all the averments as made in the petition have been denied.

4. It has been fairly conceded by the learned counsel for the petitioner that after framing of the issues, the evidence of the parties has been closed. When the case was fixed for arguments in the main petition, an application came to be filed by the present petitioner under Section 151 of CPC for granting permission to lead additional evidence by examining the attesting witnesses of the Memorandum of Understanding and the Notary Public who notarized and registered the said documents.

5. As per the averments made in the application, the parties are husband and wife, and due to differences of opinion, temperament, and habits, dispute arose inter se them, and litigation also ensued. The present proceeding is an outcome of the same.

6. During the pendency of the present petition, on account of the intervention of family members, efforts were

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made to amicably settle the dispute between the parties, and with their guidance and insistence, Memorandum of Understanding dated 27th May, 2021 was executed between the parties.

7. Under such circumstances, an application came to be filed praying that permission be granted to the present petitioner to lead additional evidence by examining the attesting witnesses of the Memorandum of Understanding and the Notary Public who notarized the said document.

8. The said application was vehemently resisted by the respondent. It was stated in the reply that the contents of the application are wrong, incorrect, and imaginary. As per the case of the respondent, she never signed any Memorandum of Understanding, and the alleged Memorandum has been prepared in active connivance and collusion of the present petitioner along with the witnesses.

9. The learned Additional Principal Judge, Family Court Amb, District Una HP vide impugned order dated 10th June, 2026, dismissed the said application.

10. Feeling dissatisfied, the petitioner (husband) has approached this Court assailing the said impugned order.

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11. It is contended by Mr. Naveen K. Bhardwaj, learned counsel for the petitioner-husband that the impugned order passed by the learned Additional Principal Judge, Family Court Amb, District Una, H.P. is erroneous and liable to be set aside. He submits that the learned Additional Principal Judge, Family Court Amb, District Una, H.P. has not taken into consideration the material facts placed on record and has wrongly rejected the same.

12. I have heard the learned counsel for the parties and gone through the case file.

13. In the present case, divorce proceedings have been initiated by the present petitioner-husband, and the same are being contested by the respondent on various grounds. Admittedly, after framing of issues, both parties closed their evidence. It has been observed by the learned Additional Principal Judge that the issues were framed way back on 16th November, 2019. Though various opportunities were granted to the petitioner to lead his evidence, however, at no point in time, was any permission sought by him to lead additional evidence, including placing on record the Memorandum of Understanding.

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14. After elapse of more than seven years, that too at the stage of final arguments, an application came to be filed by the present petitioner seeking permission to adduce additional evidence. In the considered opinion of this Court, the present petitioner cannot be permitted to adduce evidence at the stage of final arguments.

15. In the application, there is no averment explaining what prevented the present petitioner from placing on record the said documents prior in time or at the stage of leading evidence.

16. This Court is of the considered opinion that in order to fill up lacunae, the present petitioner has filed the instant application, which is not sustainable in the eyes of law.

17. Whether the Memorandum of Understanding intended to be placed on record was executed or not, the fact remains that in the reply to the application, the respondent has vehemently denied the execution of any such Memorandum or her signatures thereon.

18. Therefore, this Court does not find any infirmity, illegality, or jurisdictional error in the impugned order passed by the learned Additional Principal Judge, Family Court, Amb,

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District Una, H.P. The Court below has rightly exercised its jurisdiction and, after appreciating the material placed on record, passed an order that does not call for any interference.

19. Consequently, in view of the observations made here-in-above, the present petition is dismissed, so also the pending miscellaneous application(s), if any.

(Romesh Verma)
Judge

October 07, 2026
(Nisha)

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