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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 31.08.2026**# **CNR No. DLHC010388722026**+ **CM(M) 1840/2026 & CM APPL. 56035/2026 (Stay)****JASMINE NAGPAL CHADHA**

.....Petitioner

Through: Petitioner in person with her
counsel (name not given)

versus

TEJPAL SINGH CHADHA

.....Respondent

Through: Mr. Jagjit Singh, Sr. Advocate
with Mr. Preet Singh, Mr.
Rahul Khan and Mr. Abhijeet
Singh, Advocates**CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Petition, filed under Article 227 of the Constitution of India, 1950 read with Section 151 of the **Code of Civil Procedure, 1908**¹, assails the **Order dated 27.07.2026**² passed by the learned Principal Judge, Family Court, South District, Saket Courts, New Delhi in HMA No. 1770/2025.

2. The matter was adjourned on two earlier dates to ascertain from the Respondent whether he may be willing to amicably resolve the matter and permit himself to be cross-examined.

¹ CPC² Impugned Order



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3. Today, learned Senior Counsel appearing for the Respondent, on instructions, submits that the limited relief sought by the Petitioner in respect of his cross-examination may be considered favourably, subject to the same being completed within a time-bound schedule. He suggests that the cross-examination may be conducted on a day-to-day basis and concluded within a period of one month.

4. The Petitioner, who appears in person, is, however, not agreeable to the aforesaid suggestion. She submits that she will cross-examine only after a period of six months from today and states that, upon expiry of the said period, she would be willing to conclude the cross-examination in the duration as directed by this Court.

5. This Court has queried the Petitioner as to why such a stance is being taken. The Petitioner submits that firstly, her father needs to undergo a liver transplant and since the doctors have said the organ may be made available on any day within a six month duration, she will only be able to cross-examine post the liver transplant being carried out. She further submits that the Respondent took a long time in prosecuting the matter and kept causing delays and therefore, she is, at the very least, entitled to cross-examine only after the passage of six months.

6. This Court has heard the Petitioner as well as learned Senior Counsel appearing for the Respondent and has perused the contents of the present Petition.

7. Having considered the rival submissions, this Court finds the stand taken by the Petitioner, particularly her insistence upon deferring the cross-examination by a period of six months despite the reasonable proposal for its expeditious completion, to be wholly



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untenable. The suggestion advanced on behalf of the Respondent, which seeks only to ensure that the cross-examination is concluded within a defined and reasonable timeframe, cannot be said to be unreasonable.

8. In the aforesaid circumstances, this Court is of the opinion that the Petition does not appear to be *bona fide*. In fact, it appears that the Petitioner is only interested in delaying the matter. The manner in which the relief has been sought, coupled with the Petitioner's unwillingness to cross-examine within any reasonable timeframe, does not warrant the exercise of the extraordinary supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

9. This Court is also in agreement with the reasons given by the learned Trial Court. The same reads as under:

“Through this application, the respondent seeks recalling of petitioner/PW1 for his cross-examination by her Counsel and the application is found to have been moved mainly on grounds that principles of natural justice stood violated in this case by closure of cross-examination of petitioner and she has a right to fair trial. It is also the submission made by respondent in this application that no sufficient time and opportunities were given to her for cross-examination of petitioner and the petitioner being a material witness is required to be recalled. The power of Ld. Local Commissioner appointed in this case for recording evidence of parties to close the said cross-examination of witness has also been challenged by respondent, though it is not maintainable as the Local Commissioner was well within his powers to close the cross-examination of witnesses, if any witness failed to appear before him for tendering his statement.

On perusal of record, it is found that this is one of the oldest cases of Court having been filed on 12.03.2012. Vide order dated 02.05.2026 passed with the consent of respondent, this Court had appointed a Local Commissioner for recording of evidence of parties and the fee of Ld. Local Commissioner was directed to be paid by petitioner as he volunteered to bear the said expenses for expeditious trial of his petition. The Court has also fixed a schedule for recording of evidence of parties and the evidence of petitioner was to be recorded between 11.05.2026 to 10.06.2026 and evidence of respondent was to be recorded between 11.06.2026 to

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17.07.2026 and the matter was fixed before this Court on 18.07.2026 awaiting report of Ld. Local Commissioner.

However, it has been reported by Ld. Local Commissioner that despite giving various opportunities to respondent as well as her Counsel, they have failed to appear before him and to cross-examine the petitioner and hence, the cross-examination of petitioner/PW1 was directed to be treated as 'Nil. Opportunity given' by the Ld. Local Commissioner.

Thereafter, he has also given sufficient time and opportunities to respondent to bring her evidence, but she as well as her Counsel failed to suitably respond to the repeated requests made by Ld. Local Commissioner to give the dates for appearance and examination of respondent.

Three reports given by Ld. Local Commissioner i.e. two interim reports dated 02.06.2026, 06.06.2026 and one final detailed report dated 17.07.2026 speak volume about the conduct of respondent and her Counsel in not responding to the repeated calls and requests made by Ld. Local Commissioner for appearance for the purposes of cross-examination of petitioner and for leading of defence evidence.

Further, the above reports also show that the respondent had even not cared to follow the order and comply with directions of the Hon'ble High Court as contained in CM(M) No. 1289/2026, which was filed by her against the above said order dated 02.05.2026 of this Court appointing a Local Commissioner for recording of evidence of parties. It can be seen that vide its above order dated 29.05.2026 passed in above application, the Hon'ble High Court has specifically directed the parties to appear before the Ld. Local Commissioner on 02.06.2026 for finalizing the dates for recording of their evidence, but she or her Counsel had not so appeared.

It is necessary to mention here that the respondent has gone to challenge the above order even though it was a consent order passed by this Court and the only relief which she got in the said petition was that some misc. or incidental expenses, which were inadvertently directed by this Court to be paid by the parties for leading of their evidence, were also directed to be borne by the petitioner even in respect to the evidence to be led by respondent.

Hence, in view of above discussion, this court does not find any merits in the present application under Order 18 Rule 17 CPC filed by respondent seeking recalling of petitioner/PW I for cross-examination and it is only an attempt on her part to further delay the proceedings of case. Therefore, the same is being dismissed.

List the matter now on **21.08.2026** for final arguments."

10. It is apposite to mention that the learned counsel for the

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Petitioner did not press the challenge to the power of the Local Commissioner to close the cross-examination.

11. This Court is of the opinion that the learned Trial Court has taken into consideration various aspects, *inter alia*, the vintage of the matter, the conduct of the Petitioner, as also the failure of the Petitioner to repeatedly cross-examine or bring her evidence. The learned Trial Court takes particular note of the persistent recalcitrance displayed by the Petitioner, including, in respect of the orders passed by this Court.

12. This Court, therefore, on merits too, finds no reason to interfere in the matter.

13. Accordingly, the present Petition is dismissed. Though the present Petition requires to be dismissed with costs, this Court has exercised restraint and not imposed any costs.

14. The present Petition, along with pending Application(s), if any, is disposed of in aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 31, 2026/rk/DJ

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