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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 209/2015

GOPAL KRISHAN DUA

..... Petitioner

Through: Mr. P.S. Bindra, Advocate.

versus

RAJNI DUA @ DOLLY DUA

..... Respondent

Through: Mr. Sunil Mittal, Mr. Asim Naeem &
Ms. Parul Malik, Advocates.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

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17.03.2015

Caveat No.247/2015

Since the learned counsel has put in appearance on behalf of the caveator, the caveat stands discharged.

C.M. No.4499/2015 (for exemption)

Allowed, subject to the deficiency being rectified.

The application stands disposed of.

C.M. (M) No.209/2015 & C.M. No.4498/2015 (for stay)

1. This is a petition filed by the petitioner under Article 227 of the Constitution of India against the order dated 13.5.2014, 16.10.2014 and 24.1.2015.

2. I have heard the learned counsel for the petitioner as well as the learned counsel for the respondent and have also gone through the

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record.

3. Though on merits, there is absolutely no reason to interfere with the order which has been passed by the court on account of their being any jurisdictional error or impropriety or illegality; however, keeping in view the larger interest of the parties and with the consent of the learned counsel for the respondent, one final opportunity is given to the petitioner to enter into the witness box for the purpose of subjecting him to cross-examination. Needless to say that this shall be with the pre-condition that all the outstanding cost of Rs.35,000/- shall be paid in advance before the date of hearing to the learned counsel for the respondent. This shall be in addition to a cost of Rs.15,000/- to be paid for grant of one final opportunity to the petitioner to appear in the witness box for the purpose of cross-examination.

4. It is made clear that in case the petitioner fails or does not appear on the date so fixed by the learned trial court initially or on any subsequent date to which the case is adjourned, in the event of the cross-examination being inconclusive, his evidence shall be deemed to have been closed and no further opportunity shall be given to the petitioner. It is made clear that apart from cross-examination of the petitioner, no other witness on behalf of the petitioner shall be either summoned or his affidavit entertained as the petitioner respondent's evidence has been going on for the last more than five years and my learned predecessor had already given an opportunity to the petitioner way back on 15.12.2010 permitting the petitioner to file the affidavits of three witnesses out of which he has chosen to file only one

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affidavit and that too of the petitioner himself.

5. I have been informed by Mr. Mittal, the learned counsel for the respondent that the petition for divorce has been filed by the respondent way back in the year 2007 and therefore, a direction be issued to the learned Family Judge to dispose of the same expeditiously.

6. Needless to say after closing of evidence of the petitioner respondent, the learned Family Judge shall endeavour to dispose of the petition as expeditiously as possible and preferably within a period of four months from the date of conclusion of the evidence.

7. With these observations, the petition stands disposed of.

8. A copy of the order be given *dasti* to the learned counsel for the parties and a copy be also sent to the learned trial judge for information through Special Messenger.



V.K. SHALI, J.

MARCH 17, 2015

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