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

\+ CM(M) 979/2016

RAJ KUMAR MITTAL

..... Petitioner

Through Mr. Ashesh Lal, Advocate

versus

RENU MITTAL

..... Respondent

Through Mr. Manish Aggarwal, Advocate

**CORAM:**
**HON'BLE MS. JUSTICE INDERMEET KAUR**

**O R D E R**

**% 27.09.2016**

**CM No. 35827/2016 (Exemption)**

Exemption allowed subject to all just exceptions.

Application disposed of.

**CM(M) 979/2016 and CM No. 35828/2016**

The impugned order had closed the right of the petitioner / husband to cross examine PW-6. This order is dated 10.02.2016. The Court had noted that enough opportunities have already been given to the petitioner to cross examine PW-6. He not having availed the same is not entitled to any further opportunity.

Record shows that PW-6 was examined in chief on 15.07.2013. All other order sheets after 16.07.2013 have been placed on record. There was default twice on the part of the petitioner. He did not cross examine PW-6 on 08.10.2013 and again 12.09.2014, on which dates PW-6 was present but adjournment was sought by the respondent. On

all other dates this Court notes that either lawyers were on strike or the learned Presiding Officer was on leave. The learned counsel for the petitioner submits that a valuable right of the petitioner would be lost in case the petitioner is not allowed to cross examine PW-6, who is brother of the respondent. The matter is stated to be listed before the Family Court today.

In the interest of Justice, subject to cost of Rs. 5,000/- last opportunity is granted to the petitioner to cross examine PW-6. It is made clear that only one date shall be given for the said purpose. PW-6 may be directed to be present on the date fixed by the learned Principal Judge, Family Court. At the cost of repetition no further adjournment shall be granted to the petitioner for cross examination of PW6.

Petition disposed of in the above terms.

**INDERMEET KAUR, J**

**SEPTEMBER 27, 2016**
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