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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 469/2017

MEENA @ KAVITA

..... Petitioner

Through: Ms.Prerana, Adv.

versus

VIJAY KUMAR

..... Respondent

Through: Mr.Ravindra Narayan, Ms.Anita Gupta
and Mr.Raghav Narayan, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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03.05.2017

CM (M) No.469/2017 & CM No.15941/2017

1. The petitioner has challenged the order dated 11th December, 2015 whereby her right to cross-examine the respondent has been closed.
2. Learned counsel for the respondent submits that the petitioner has deliberately delayed the matter which remained pending for respondent's cross-examination for about three years.
3. This Court is of the view that if the respondent is not cross-examined, the respondent's testimony shall be treated as unrebutted and the learned Trial Court would find it very difficult to find out the truth and do justice. The cross-examination of a witness is a very important tool to find out the truth.
4. Learned counsel for the petitioner submits that the petitioner may be granted one opportunity to cross-examine the respondent and the petitioner would not seek any adjournment on the date fixed.

5. In the peculiar facts and circumstances of this case, petition is allowed and the impugned order dated 11th December, 2015 is set aside. The Trial Court is directed to grant one opportunity to the petitioner to cross-examine the respondent.
6. Learned counsel for the parties submit that the matter is listed before the Trial Court on 5th May, 2017. The Trial Court is directed to fix the date for cross-examination of the respondent. If the cross-examination of the respondent does not conclude on the date fixed, the Trial Court shall consider continuing the same on day to day basis or at an early date.
7. The Trial Court record be returned back forthwith.
8. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 03, 2017
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