

IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 154/2017 and CM APPL. 31363-31364/2017

SAPNA JULEE

..... Appellant

Through: Mr Sunil Mittal, Senior Advocate with
Ms Shubhra Parashar and Mr Dhruv Grover, Advs
along with appellant in person.

versus

SUMIT PRASAD

..... Respondent

Through: Mr Sanjeev Sahaye and Mr Rajshekhar Rao
and Mr Kunal Seth, Advs for respondent

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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29.08.2017

CAV 776-777/2017

Since the caveator has put in appearance, the caveats stand discharged.

MAT.APP.(F.C.) 154/2017 and CM APPL. 31363-31364/2017

1. The appellant is aggrieved by the order dated 23.08.2017, passed by the learned Family Court recording the statement of the counsel for the respondent that he proposes to close his evidence in the affirmative.
2. Mr Mittal, Senior Advocate, appearing for the appellant, states that the respondent had cited four witnesses in his list of witnesses. However, none of the said witnesses have been produced. Instead, on 23.08.2017, it was stated before the Family Court that after the respondents' evidence had concluded, he proposed to close his evidence in the affirmative. Learned counsel submits that in the present case, the onus in respect of the issues framed in the petition, lies on the respondent and having led the evidences

in the affirmative, he cannot be allowed to lead evidence in rebuttal in respect of the said issues. He further states that in the event the respondent has had a change of mind, he would have no objection to his producing any of the four witnesses cited by him for recording of evidence.

3. Learned counsel for the respondent states, on instructions, that the respondent has no intention of producing any more witnesses and having closed his evidence in the affirmative, he shall not lead evidence in rebuttal in respect of the issues frame, onus whereof has been placed on him. He, however, reserves the right of the respondent to file an application before the Family Court, for leading evidence in rebuttal if the circumstances so demand.

4. In view of the aforesaid submissions, the present appeal is disposed of along with the pending applications with liberty granted to the respondent, to lead evidence in rebuttal limited to the aforesaid aspect.

HIMA KOHLI, J

DEEPA SHARMA, J

AUGUST 29, 2017/bg