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

+ CM(M) 549/2018

SUMIT PRASAD

..... Petitioner

Through: Mr. Kunal Seth, Adv.

versus

SAPNA JULEE

..... Respondent

Through: Mr. Sunil Mittal, Sr. Adv. with Mr.
Dhruv Grover, Ms. Seema Seth and
Mr. Sanjiv Saluja, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.07.2018

1. This petition under Article 227 of the Constitution of India impugns the order [dated 17th April, 2018 in HMA No.237/2017 of the Family Court, East District, Karkardooma Courts, Delhi] allowing the application of the respondent wife impugning the direction of the Commissioner, appointed for recording evidence, to the witness to produce documents.
2. This petition came up first before this Court on 9th May, 2018 when though notice thereof was issued but stay of proceedings before the Family Courts sought declined for the reason that this Court as well as the Supreme Court had issued directions for expeditious disposal of the matrimonial case before the Family Court from which this petition arises.
3. The counsel for the petitioner husband has unilaterally filed an application for adjournment of the hearing today, mentioning that “the counsel for the respondent wife was informed but refused to sign”.

4. Mr. Kunal Seth, Advocate appearing today for the petitioner seeks adjournment on the ground of non-availability of Mr. Siddharth Aggarwal, Advocate and Mr. Siddharth Luthra, Sr. Advocate.

5. The senior counsel for the respondent wife, on enquiry states that the time within which this Court had directed the matrimonial case before the Family Court to be disposed of has already expired and he, as counsel for the respondent wife before the Family Court has also concluded his arguments yesterday and the matter is listed next before the Family Court tomorrow i.e. 5th July, 2018 for rejoinder arguments of the counsel for the petitioner husband.

6. In the aforesaid state of affairs, the request for adjournment on behalf of the counsel for the petitioner husband cannot be accepted. The only inference is that the petitioner husband, inspite of knowledge that the proceedings before the Family Court are about to conclude, is not interested in pursuing this petition and is wanting to keep it alive for tactical reasons. Adjournment is thus refused and the petition is dismissed for non-prosecution.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 04, 2018
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