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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1171/2018
SUJAY KUMAR ZUTSHI Petitioner
Through: Ms. Mir Baby Lal, Adv.
versus
SUMAN ZUTSHI Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **03.10.2018**

1. This petition under Article 227 of the Constitution of India has been filed with respect to proceedings before the Judge Family Court (South-East) in HMA No.324/2017 stated to have been filed by the petitioner husband under Section 13(1)(ia) and (iii) of the Hindu Marriage Act, 1955 for dissolution of marriage with the respondent wife.
2. The petitioner husband seeks the reliefs of (i) closure of the right of the respondent wife to cross-examine the petitioner husband; and, (ii) direction for disposal of the divorce proceedings on day-to-day basis.
3. The petitioner husband along with the petition has filed copies of the orders dated 8th September, 2017, 5th December, 2017, 19th January, 2018, 17th March, 2018, 9th April, 2018, 25th May, 2018 and 7th August, 2018.
4. The contention of the counsel for the petitioner husband is that the Judge Family Court is giving undue adjournments to the respondent wife and unduly accommodating the respondent wife and her advocate. It is argued that the examination-in-chief of the petitioner husband was recorded as far back as on 8th September, 2017 and the cross-examination by the respondent wife is pending since then.

5. A perusal of the order aforesaid shows that (i) on 8th September, 2017, the cross-examination of the petitioner husband could not be done for the reason of no time having been left; (ii) on the next date i.e. 19th January, 2018, the counsel for the petitioner husband sought adjournment; (iii) on the next date i.e. 17th March, 2018, the petitioner husband was partly cross-examined and the remaining cross-examination was deferred as the counsel for the respondent wife was not available post lunch; (iv) on 9th April, 2018 and 25th May, 2018, adjournments were sought by the respondent wife; and, (v) on 7th August, 2018, the advocate provided by the Legal Aid, earlier appearing for the respondent wife, sought discharge on the ground that her legal aid panel had expired; the proceedings stand adjourned to tomorrow i.e. 4th October, 2018.

6. I have enquired from the counsel for the petitioner husband, how many cases on an average are listed before the Judge Family Court (South-East) on each and every date and whether the petitioner husband, in the matter of grant of adjournments is being discriminated against vis-à-vis other cases listed.

7. The counsel for the petitioner husband states that there is no discrimination.

8. In the aforesaid circumstances, the petition is disposed of observing that the Judge Family Court (South-East) will deal with the proceedings, from which this petition arises, as expeditiously as possible and considering the vintage of the said proceedings.

Dasti.

RAJIV SAHAI ENDLAW, J

OCTOBER 03, 2018/‘pp’..

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