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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **TR.P.(C.) 224/2018**
PRANAMIKA NAIR

..... Petitioner
Through : Ms.Jasmine, Advocate, with
petitioner in person.

versus

GIRISH KUMAR GANGADHARAN

..... Respondent
Through : Mr.Anirudh K.Mudgal,
Mr.B.Venkatraman, Advocates.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **05.12.2018**
CM APPL No.51080/2018

In view of the reasons explained in the application and with the consent of both the learned counsels the application is allowed and the main matter which is listed for 22.02.2018 is taken up today itself.

The application stands disposed of.

TR.P.(C.) 224/2018

The petitioner has filed this petition for transfer of the guardianship petition bearing GW.No.01/2013 titled as *Girish Kumar Gangadharan vs. Pranamika Nair* from the Court of Sh.Narottam Kaushal, learned Family Court Judge, Saket, primarily, irked by a question put by the learned Presiding Officer as a court question at the time of cross-examination of the PW1 on 04.06.2018, besides makes various other oral allegations including not allowing various

questions put by the petitioner to PW1 on alleged grounds of relevancy etc. and he being bias.

I have gone through the order dated 20.11.2017 passed in MAT.APP. F.C.142/2017 wherein the Division Bench of this Court has directed the learned trial court to dispose of the case as expeditiously as possible, preferably within a period of six months from 20.11.2017. More than a year has passed yet the case is at the stage of trial. I may also refer to an order dated 18.12.2017 passed by the learned Presiding Officer wherein he has noted the petitioner herein has denied the visitation rights to the respondent in as much as 70-90 times and has also raised a doubt upon the genuineness of the bonafide of the petitioner. He has also noted in his interaction the petitioner herein has a definite attitude in not letting the visitation rights to be granted to her husband. The learned trial court has even noted in its order the petitioner herein has violated and disobeyed its orders but nevertheless has afforded one more opportunity to the respondent to mend her ways before making any reference to this Court for initiation of contempt proceedings and let off the petitioner by giving a warning.

I have also perused an order dated 20.02.2018 wherein a cost of ₹ 20,000/- was rather imposed upon the respondent herein. Further on 23.04.2018 yet again a cost of ₹ 10,000/- was imposed upon the respondent herein. On the other hand the learned trial Judge had granted two dates i.e., 02.06.2018 and 04.06.2018 for cross of PW1 but on both these dates PW1 was only partly cross-examined and his further cross-examination was deferred at the request of the

petitioner. The Court on 04.06.2018 rather noted the petitioner had got the child enrolled for a summer camp on dates fixed for visitation without seeking any permission from the Court and a show cause notice was also issued to her.

The cross-examination of PW1 was thus deferred for 01.08.2018 and 02.08.2018. On 01.08.2018 the petitioner was not present on two calls but instead of closing her right to cross-examine, the Court rather listed the matter for cross-examining of PW1 yet again on 02.08.2018. The counsel for the petitioner herein again did not appear at first call and when at second call at 12:45 PM the learned Court had started dictating the order the counsel for the petitioner herein suddenly appeared at 12:54 PM and started interrupting the dictation of an order, which was rather not appreciated by the learned Presiding Officer.

The matter was then listed on 01.10.2018 for the evidence of the petitioner herein but she did not come on the said date and one more opportunity was granted to her to lead her evidence. The matter was then listed on 03.11.2018. On the said date again only the petitioner was present in person but her counsel was absent. The petitioner told the learned Presiding Officer she has filed an application against him before the Registrar General of this Court.

Learned Judge noted an attempt is being made to overrule him but yet granted one more opportunity to examine her witnesses.

Thus the record reveal time and again the indulgence has been shown to the petitioner herein by the learned Presiding Judge and his orders do not reflect any bias qua the petitioner, hence there is no

reason why G-case 1/2013 be directed to be transferred only because the learned Presiding Officer is making an effort to comply with the directions dated 20.11.2017 of the Division Bench of this Court to expedite the matter so as to complete the trial within a reasonable time.

The petition has no merits and is accordingly dismissed.

YOGESH KHANNA, J.

DECEMBER 05, 2018

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