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

+ **MAT.APP.(F.C.) 250/2019**

CHANCHAL CHAKRABORTY Appellant
Through Mr. Puneet Jaiswal, Advocate.

versus

TAPASHI CHAKRABORTY Respondent
Through None.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **27.09.2019**

CM APPL. 43496/2019 (exemption)

Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 250/2019

1. The present appeal is filed against an order dated 17.09.2019, passed by the learned Family Court rejecting an application filed by the appellant/husband for seeking permission to examine the son of the parties, Ayush and also to examine a Doctor and some attendants from VIMHANS hospital where the respondent had undergone treatment.
2. The application moved by the appellant/husband was dismissed by the learned Family Court on the ground that the case is over 11 years old and the evidence of the appellant/husband was closed as long back as on 18.09.2015 after he had availed of several opportunities, spanning over six years to

adduce the evidence after which the evidence of the respondent was also closed. This itself shows that the said application was nothing but dilatory tactics adopted by the appellant to further prolong the pending proceedings, without any explanation offered as to why did the appellant/husband not examine his son earlier.

3. After addressing arguments for some time, Mr. Jaiswal, learned counsel for the appellant states that he does not wish to press the present appeal and seeks leave to withdraw the same.

4. Leave as prayed for is granted. The appeal is dismissed as withdrawn.

HIMA KOHLI, J

ASHA MENON, J

SEPTEMBER 27, 2019/MK/s