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

+ CM(M) 1145/2019

RITA RAJ

..... Petitioner

Through: Mr. Nikhil Borwankar, Ms. Shimona Ghosh,
Mr. David Vijay Thomas & Mr. B.D.
Nayak, Advocates with petitioner in person.

versus

PABITRA ROY CHAUDHARY

..... Respondent

Through: Mr. Rakesh Tiku & Mr. Sunil Mittal,
Sr. Advocates with Ms. Seema Seth,
Mr. Dhruv Grover, Ms. Gayatri Misra,
Ms. Jyotsna Mehta, Mr. Sandeep Kumar &
Mr. Lokesh Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **02.08.2019**

C.M. Nos.34791/2019 & 34792/2019 (for exemption)

Allowed, subject to all just exceptions.

The applications are disposed of.

CM (M) No.1145/2019 & C.M. No.34790/2019 (for stay)

1. The impugned order dated 15.07.2019 passed by the court of learned Principal Judge, Family Courts, Shahdara, Karkardooma, Delhi, closing the right of the petitioner herein to adduce evidence, is the subject-matter of challenge in this petition.

2. On an advance copy of the petition having been served, Mr.Rakesh Tiku, learned senior counsel for the respondent appears

and states very fairly, on instructions, that he has no objection if the petitioner is granted liberty to file her evidence by way of affidavit within one week and she appears in person for her cross-examination within one week thereafter. He further submits that the cost of Rs.10,000/- imposed by the learned Family Court may be deposited with the Legal Aid. The learned counsel for the petitioner, on instructions, accepts the said proposition.

3. In the circumstances, the petition is disposed of with the direction that the petitioner shall file her evidence by way of affidavit on 13.08.2019 before the Family Court and shall appear in person, without fail, for her cross-examination on 20.08.2019. In case, the petitioner fails to tender her evidence on the next date of hearing, i.e., 13.08.2019 or fails to appear for her cross-examination on 20.08.2019, she will not have any right to adduce evidence thereafter. Cost imposed by the learned Family Court be deposited with the Delhi High Court Legal Services Committee.

4. A copy of this order be given *dasti* under signatures of the Court Master to both the parties.

VINOD GOEL, J.

AUGUST 02, 2019
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