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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 895/2019 & CRL.M.A. 34257/2019, CRL.M.A. 34259/2019 & CRL.M.A. 3536/2020**

VINOD KUMAR

..... Petitioner

Through: Mr Siddhant Banga, Advocate.

versus

POONAM & ANR.

..... Respondents

Through: Counsel for the respondents
(appearance not given).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.02.2020

1. The petitioner has filed the present petition, *inter alia*, impugning orders dated 16.04.2019 and 30.04.2019 passed by the Principal Judge, Family Court, District Shahdara, Karkardooma Courts.
2. By the order dated 16.04.2019, the learned Family Court had closed the petitioner's right to lead evidence (RE). This order was passed because despite being provided sufficient opportunity the petitioner had neither led any evidence nor provided any reason for not appearing in Court on the said date.
3. The petitioner filed an application seeking recall of the order dated 16.04.2019. The said application was also rejected *in limine* by an order dated 30.04.2018. However, the petitioner's contention that he earns ₹20,000/- to ₹22,000/- per month was recorded and directions were given to

file written arguments.

4. The petitioner claims that his absence on 16.04.2019 was due to an inadvertent error and prays that the matter be restored on the Board of the learned Family Court for recording of his evidence.

5. There is little doubt that the petitioner has been less than diligent in defending the application before the learned Family Court. However, this Court considers it apposite that the petitioner be granted one more opportunity to lead evidence, *albeit* subject to the payment of costs. Accordingly, subject to the petitioner paying a sum of ₹20,000/- to the respondents as cost within two weeks from today, the impugned orders dated 16.04.2019 and 30.04.2019 are set aside.

6. The matter is restored before the learned Family Court on the same position as obtaining as on 16.04.2019. This is also subject to the condition that the petitioner appears before the Family Court on 20.02.2020. The petitioner shall not seek any adjournment and would be ready to lead evidence. The learned Family Court shall proceed further in the event the petitioner has paid the costs of ₹20,000/-, as directed.

7. The petition is disposed of in the aforesaid terms. The pending applications are also disposed of.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 18, 2020
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