

ADITI ARORA MUKERJEE

.....*Petitioner*

Verses

SHUBHRO JYOTI MUKERJEE

... *Respondent*

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Animesh Sharma, Advocate, for the petitioner.

RAJESH BHARDWAJ, J.(Oral)

By way of present petition, petitioner prays for setting aside impugned order dated 22.08.2022 passed by Addl. Sessions Judge, Gurugram, wherein the appeal filed by the petitioner against the order dated 30.07.2022 passed by the Ld. Judicial Magistrate Ist Class, Gurugram, was declined.

Learned counsel for the petitioner submits that both the Courts have fallen in error in ignoring the submissions made by the counsel for the petitioner. He submits that the petitioner is the complainant who has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005. He has submitted that the respondent-husband filed an affidavit running into about 250 pages, on account of which the cross-examination is consuming unprecedented time. He has submitted that the observations made by both the Ld. Courts below are incorrect and he is ready to complete the cross-examination of RW-1, if the three effective opportunities are granted to him. He has submitted that in any case he will not avail more than 3 opportunities as undertaken by him before this Court.

In view of the submissions made and after perusing the record of the case, this Court finds it appropriate that the petitioner, being the complainant of the case, should be granted 3 opportunities, as undertaken by the counsel for petitioner. The Ld. Family Court would grant three opportunities for cross-examination of witness within a month from the first opportunity granted to the petitioner. The petitioner shall conclude the same within time frame to be granted by the Ld. Family Court. If the petitioner does not complete the cross-examination within the three opportunities granted by the Ld. Court, the Ld. Court will be free to pass any order.

In view of the facts and circumstances, both the impugned orders dated 22.08.2022 and 30.07.2022 respectively, are set aside.

The petition stands allowed.

02.09.2022
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking /reasoned	Yes/No
Whether Reportable	Yes/No