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

+ **CM(M) 1146/2022**

AJAY PASSI

..... Petitioner

Through: Mr. Sunny Vijayran with Mr. Suresh
Kumar Narwal, Advocates.

versus

PRIYANKA PASSI

..... Respondent

Through: Mr. G.S. Rana, Advocate.

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Date of Decision: 23rd November, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL. 46088/2022 (for condonation of delay)

This is an application filed on behalf of the petitioner seeking condonation of delay of about 61 days in filing the petition.

For the reasons stated in the application, the application is allowed.

The delay in filing the present petition is condoned.

CM(M) 1146/2022 & CM APPL. 46087/2022 (stay)

1. Present petition has been filed challenging the order dated 25.05.2022, whereby though the ex-parte order dated 22.03.2022 against the petitioner was set aside but the learned Judge, Family Court declined to vary or modify the order of closure of RE.

2. Learned counsel for the petitioner submits that his affidavit is ready and he may be given only one week's time to file the same and be available for the purpose of evidence.
3. Learned counsel for the respondent has very gracefully submitted that for the purpose of final adjudication of the disputes on merits, the petitioner may be given one opportunity to tender the affidavit and be available for the purpose of cross-examination. Learned counsel for the respondent further submits that he shall cross-examine the petitioner on the same day.
4. Learned counsel for the petitioner undertakes that he shall not seek any adjournment for the purpose of respondent evidence. Learned counsel further submits that his affidavit of evidence is ready to be filed immediately before the learned Trial Court. Learned counsel for the respondent further submits that he shall not lead any other evidence for the petitioner except the petitioner himself. Learned counsel for the petitioner also undertakes that he shall pay a cost of Rs.10,000/-, as imposed upon him on 17.01.2022, on 02.12.2022.
5. In view of the submissions of learned counsel for both the parties, let the affidavit be filed on or before 28.11.2022.
6. Learned Trial Court is requested to take up the matter on 02.12.2022 for the purpose of evidence of the petitioner.
7. Learned Trial Court after recording the evidence of the petitioner shall dispose of the matter in accordance with law as expeditiously as possible.
8. With these observations, the present petition along with the pending applications stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 23, 2022/st

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