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

Date of decision: 19.07.2023

+ **CM(M) 284/2023 & CM APPL. 8856/2023**

SURAJINDER SINGH

..... Petitioner

Through: Ms.Preeti Singh, Mr.Sunklan
Porwal, Ms.Saumya Dwivedi,
Mr.Rishabh Munjal,
Ms.Kumkum Mandhanya &
Ms.Simranjeet Kaur, Advs.
along with petitioner in person
(through V.C.)

versus

PINKI

..... Respondent

Through: Mr.Narender Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the order dated 08.02.2023 passed by the learned Principal Judge, Family Courts (South-West), Dwarka Court Complex (hereinafter referred to as the 'Family Court') in HMA No. 626/2017 titled *Surajinder Singh v. Pinki*, closing the right of the petitioner herein to further cross-examine the respondent.

2. The learned counsel for the petitioner has taken me through the various orders passed by the learned Family Court,

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and submits that the petitioner has been diligently prosecuting his petition before the learned Family Court, however, due to reasons beyond his control and of his counsel, a request for an adjournment was made on 08.02.2023, which was declined by the Impugned Order, closing the right of the petitioner to further cross-examine the respondent.

2. On the other hand, the learned counsel for the respondent submits that the respondent is residing at Ambala and has to travel to Delhi on each date of hearing. He submits that the respondent also has a small child and, therefore, the learned Family Court was correct in refusing to grant an adjournment to the petitioner and closing his right to cross-examine the respondent.

3. I have considered the submissions made by the learned counsels for the parties. A perusal of the orders dated 27.08.2022, 01.11.2022 and 28.01.2023 would show that the hearing of the petition had to be adjourned as the Court was not available or the respondent was not available. On these dates, the petitioner was duly represented. It is only on 19.11.2022 that a request for an adjournment was made on behalf of the petitioner. On 08.02.2023, again a request for an adjournment was made on behalf of the petitioner, however, keeping the previous orders in view, it cannot be said that the petitioner was intentionally delaying the prosecution of his own petition or not pursuing it diligently.



4. At the same time, as submitted by the learned counsel for the respondent, the respondent has to travel from Ambala to Delhi for the hearing of the petition before the learned Family Court.
5. To balance the equities, therefore, the Impugned Order dated 08.02.2023 is set aside subject to payment of costs of Rs.10,000/- by the petitioner to the respondent. The respondent will make herself available for further cross-examination on the next date of hearing fixed by the learned Family Court.
6. The petition is allowed in the above terms. The pending application also stands disposed of.

NAVIN CHAWLA, J

JULY 19, 2023/rv/rp