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

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Date of decision: 2nd August 2023

+ **MAT.APP.(F.C.) 75/2023**

GURPREET KAUR

..... Appellant

Through: Ms.Anu Narula, Advocate for
the appellant with appellant in
person.

versus

MANISH CHADHA

..... Respondent

Through: Ms.Surbhi Anand, Advocate
with Mr.Tanishq Sharma,
Advocate for the respondent
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Submissions were addressed in the appeal by both the sides on the previous date i.e. 18.07.2023. However, on the request of the appellant, the matter was directed to be listed for today i.e. 02.08.2023 to explore the possibility of any settlement between the parties. Both the parties have been called in the chamber for interaction. Efforts were made for reconciliation but the parties are not ready for any settlement at this stage.
2. This appeal under Section 19 of the Family Courts Act, 1984 has been filed against the Order dated 14.02.2023 whereby the application of the appellant for setting aside the Order dated 28.05.2022 closing the opportunity to cross-examine the respondent, was dismissed.
3. It is submitted in the application that the Divorce Petition bearing No. HMA 5862185/16 has been filed on behalf of the respondent in December



2009. The pleadings were completed in the Divorce Petition on 28.04.2010. Thereafter, the issues were framed on 12.01.2017. The matter was listed for the evidence of the respondent (who was the petitioner in the divorce petition). The appellant herein (who is the respondent in the divorce petition) was granted opportunity on various dates for cross-examination of the respondent. However, it is asserted that despite genuine and bona fide efforts on the part of the appellant for amicable settlement, the parties were unable to arrive at a settlement. On some dates, the cross-examination of the respondent herein could not be conducted on account of Covid-19. Thereafter, the respondent/husband was cross-examined in part on 07.04.2022 but the counsel for the appellant could not cross-examine the respondent on the adjourned dates i.e. on 26.05.2022 and 28.05.2022. The opportunity of the appellant to further cross-examine the respondent was closed on 28.05.2022.

4. The appellant herein had moved an application dated 15.09.2022 for setting aside the Order dated 28.05.2022. However, the application for grant of further opportunity to cross-examine the respondent was dismissed vide Order dated 14.02.2023.

5. It is claimed that the appellant has made umpteen and numerous attempts even after the Order dated 28.05.2022 to contact her lawyer to take requisite steps for getting the Order dated 28.05.2022 set aside. It is claimed that the appellant is contesting the divorce petition to protect her honour, dignity and self esteem and to show falsity of the allegations made by the respondent which can be done only by way of complete cross-examination of the respondent. Unfortunately, despite her desperate and dedicated chase for lawyer to do the needful, she was unable to get any response on the



pretext that he had serious personal and professional constraints. A prayer is therefore made by the appellant that the impugned Order closing the right of the appellant to further cross-examine the respondent, be set aside and she be given an opportunity to complete the cross-examination of the respondent herein.

6. Submissions heard.

7. The record shows that the examination-in-chief of the respondent was completed on 12.03.2018 and the cross-examination was first conducted by the appellant on 19.04.2018 and lastly on 07.04.2022. Thereafter, despite opportunities being granted, the cross-examination of the respondent herein was not completed which compelled the learned Family Court to close the right of the appellant to cross-examine him.

8. It is pertinent to note that the divorce petition had been filed way back in December 2009 and has not reached its logical conclusion even after so many years. While the primary objective of the Family Court is to bring in reconciliation and make an endeavour to make the parties come together but when such efforts of reconciliation do not yield any result and parties are apparently in the acrimonious relationship with no meeting point, it is in the interest of the parties that the harmony *inter se* is restored by expeditiously disposing of the divorce petition.

9. This is an unfortunate case where despite repeated efforts for reconciliation, the parties have not been able to arrive at any amicable settlement. In this scenario, it becomes imperative to define the Timeline to ensure that the divorce petition is decided within the given time frame. It is therefore, directed and as requested by the learned counsel for the appellant, the appellant shall be permitted to cross-examine the respondent on two



dates for two hours each and beyond that, under no circumstances, any further opportunity for cross-examination of the respondent shall be given.

10. On the request of the learned counsel for appellant that she is not available on 04.08.2023, the matter shall be taken up by the learned Family Court on 05.08.2023 and 07.08.2023 for getting the cross-examination of the respondent completed. The respondent has already closed his evidence and apparently, there is no other witness to be examined on behalf of the respondent. However, in case, the respondent intends to examine any other witness, he shall get the same concluded within one month thereafter. Further, from the date of closing of the evidence of the respondent, appellant herein shall conclude her evidence within two months thereafter. No further extension of time shall be given to either party on any ground whatsoever. The learned Judge, Family Court shall make an endeavour to conclude the final arguments within one month thereafter, followed by the judgment.

11. Accordingly, the present appeal is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 02, 2023
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