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

+ **C.R.P. 61/2024**

DEBORAH BHATIA

..... Petitioner

Through: Mr. L.N. Rao and Mr. S.R.
Malik, Advs.

versus

HEMANT KUMAR BHATIA

..... Respondent

Through: Mr. Nishant Anand, Mr. Gunjan
Bansal and Mr. Tushar
Bhatnagar, Advs.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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13.02.2024

CM APPL. 8685/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 8686/2024 (Delay of 26 days in filing the present appeal)

3. This application has been moved on behalf of the petitioner seeking condonation of delay of 26 days in filing the present appeal.
4. For the reasons stated in the application, the delay of 26 days in filing the present appeal is condoned.
5. The application stands disposed of.

C.R.P. 61/2024 and CM APPL. 8684/2024 (Stay)

6. The petitioner is assailing the impugned order dated 31.10.2023 and subsequently, the order dated 12.12.2023 passed by the learned Judge, Family Court, New Delhi District, Patiala House Courts, New Delhi, whereby the evidence of the respondent was closed.



7. Learned counsel for the petitioner requests that he may be given an opportunity to conclude her cross-examination. It is also stated at the Bar that although her application under Order VI Rule 17 CPC has been dismissed by the learned trial court, the same shall not be assailed in the revision petition on any other legal grounds.

8. Learned counsel for the respondent submits that although the petitioner is not entitled to seek any leniency, however, she be put to strict measures so as to ensure that her evidence is recorded on any convenient day or two.

9. In the said backdrop, the present civil revision petition is allowed to the effect that the impugned orders dated 31.10.2023 and 12.12.2023 are hereby set-aside. However, the petitioner/respondent is granted one opportunity to lead her evidence in the nature of concluding her remaining part of the examination.

10. It is submitted that the matter is now listed before the learned Trial Court today. Let the learned Trial Court fix any convenient day and it be ensured that the remaining cross-examination of the petitioner/respondent is recorded as expeditiously as possible within six weeks from today. No further opportunity shall be given to her in case any attempt is made to delay the proceedings.

11. A copy of this order be given to the learned Trial Court for information and necessary compliance.

DHARMESH SHARMA, J.

FEBRUARY 13, 2024

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