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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 16th July, 2024***
+ **CM(M) 1947/2024 & CM APPL. 10784/2024**
GAURI SHARMAPetitioner

Through: Mr. Rajeev Kr. Jain, Advocate.

versus

SEEMA SHARMARespondent
Through: Mr. Anil Dwivedi, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Mr. Anil Dwivedi, learned counsel for respondent is present with respondent.
2. Heard both the sides.
3. During course of the arguments, learned counsel for respondent has stated that he does not want to delay his own petition and would have no objection if, without prejudice to his rights and contentions, one more opportunity is granted to the petitioner herein to lead defendant's evidence (DE).
4. Learned counsel for petitioner states that there is no intention to delay the proceedings in any manner, whatsoever, and he only requires one effective opportunity to lead DE.
5. In view of the aforesaid, the present petition is disposed of directing the learned Trial Court to give one effective opportunity to the petitioner herein to lead her evidence.
6. It will be up to the learned Trial Court to fix up the date for recording



of defendant's evidence after assessing its own board. It may record evidence itself or direct the parties to go before the learned Local Commissioner as done in the past. Such order be passed after ascertaining the willingness of the parties for bearing fee of the learned Local Commissioner.

7. Simultaneously, the petitioner is burdened with cost of Rs. 10,000/- for causing delay in the matter. Such cost would be paid to the plaintiff on the next date fixed before the learned Trial Court.

8. Petition stands disposed of in the aforesaid terms.

MANOJ JAIN, J

JULY 16, 2024/sw