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

% *Date of decision: 20.03.2024*

+ **MAT.APP.(F.C.) 77/2024 and CM APPL. 14255/2024**

RITU MATTA

..... Appellant

Through: Ms Aishwarya Makhija, Advocate.
versus

RAJESH MATTA

..... Respondent

Through: Mr Lal Singh Thakur, Advocate.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: (ORAL)

1. After hearing the counsel for the appellant on the previous date, i.e., 07.03.2024, we had broadly recorded as to how the appellant wanted to progress the appeal.
2. To be noted, counsel for the appellant had confined the appeal to only one aspect, i.e., the direction issued *via* the impugned order dated 16.01.2024 concerning closure of the appellant's right to lead evidence.
3. We are told that the matter is fixed before the learned Principal Judge tomorrow i.e., 21.03.2024 for the respondent's evidence.
4. Mr Lal Singh Thakur, Advocate has entered appearance on behalf of the respondent.
- 4.1 Mr Thakur says that he would have no objection if the court were to allow the appellant to lead evidence in the matter.
5. Ms Aishwarya Makhija, learned counsel, who appears on behalf of



the appellant, says that the appellant is the only witness in the matter, and therefore, one date would suffice.

5.1 Likewise, Mr Thakur says that in defense the respondent will tender only his testimony.

6. Given this position, the impugned order dated 16.01.2024 is set aside to the extent it closes the right of the appellant to lead evidence in the matter.

6.1 The appellant will file her affidavit of evidence within the next one week.

6.2 We are told that the respondent has already filed his affidavit of evidence.

7. Given this position, the learned Principal Judge will fix a date for cross-examination of the appellant provided that affidavit of evidence will be filed within the timeframe given above.

8. Endeavour will be made to give an opportunity to the appellant to cross-examine the respondent, either on the same date or on a date proximate to the date when the appellant is examined.

9. The appeal is disposed of in the aforesaid terms.

10. Pending application shall also stand closed.

11. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MARCH 20, 2024/ tr