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

% ***Date of decision: 29th July, 2024***

+ CM(M) 2258/2024 & CM APPL. 19549/2024 & CM APPL. 19551/2024

SAMRAT SINGH RAWAT

.....Petitioner

Through: Mr. Prosenjeet Banerjee with Ms. Shreya Singhal, Mr. Sarthak Bhardwaj, Ms. Anshika Sharma, Advocates along with petitioner in person.

versus

POONAM RAWAT

.....Respondent

Through: Ms. Shambhavi, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The challenge in the present petition is with respect to three orders dated 07.10.2023, 11.12.2023 and 08.02.2024 passed by learned Family Court, South East, Saket, New Delhi.
2. Petitioner is pursuing his Guardianship Petition No. 18/20 before the learned Trial Court.
3. During course of the arguments, learned counsel for petitioner states that he is restricting his the relief in the present petition with respect to order dated 08.02.2024 only whereby his right to lead evidence has been closed.
4. Learned counsel for the respondent states that on various previous occasions, the opportunities had been granted to the petitioner but for the reasons best known to him, he has not bothered to lead evidence and, therefore, the learned Trial Court was fully justified in closing such right.
5. However, after some arguments, learned counsel for the respondent



states that she would have no objection if one more opportunity is granted to the petitioner, subject to imposition of heavy cost.

6. The next date before the learned Trial Court is stated to be 14.10.2024 for arguments on one miscellaneous application/directions.

7. Be that as it may, keeping in mind the overall facts and circumstances of the case, the fact that the petitioner has not led any evidence at all so far and also keeping in mind the gracious concession given by the learned counsel for respondent, the present petition is disposed of by directing that the petitioner herein i.e. Mr. Samrat Singh Rawat be granted one effective opportunity to lead his evidence subject to cost of Rs.25,000/- which he would clear on the next date of hearing fixed before the learned Trial Court.

8. Petitioner would file the affidavit in support of his evidence within four weeks from today with advance copy to the other side.

9. It is also apprised that since petitioner had not been permitted to lead any evidence, the respondent also did not desire to lead any evidence. However, since now the petitioner has been given one opportunity to lead evidence, the respondent would also be permitted to lead evidence.

10. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 29, 2024/sw