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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3084/2024 & CRL.M.A. 11938/2024**

KUSUM & ANR.Petitioners
Through: Mr. R.S. Rathi & Ms.
Kusum, Advs.

versus

NAVEEN KUMARRespondent
Through: Mr. M. Gupta, Mr.
Mukesh Kumar & Mr.
Shishir Bhardwaj, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
21.11.2024

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1. The petitioner has challenged the order dated 30.03.2024 essentially for the reason that the application filed by her under Section 311 Code of Criminal Procedure, 1973 has been dismissed and she has not been permitted to summon the witnesses listed at serial No. 1 to 5 in the list of witnesses annexed as Annexure P-14 with the petition.
2. The learned counsel for the respondent, on instructions, submits that he has no serious objection if the petitioner is permitted to summon the five witnesses listed at serial No. 1 to 5 in the list of witnesses. He, however, submits that respondent had also filed an application dated 05.08.2023, where he had sought summoning of witnesses in order to prove that petitioner was working at the relevant time.
3. Petitioner is present in person along with her counsel. They state that they have no objection if the respondent is also permitted to summon the witnesses on a condition that no



unwarranted adjournments would be taken by the respondent. The learned counsel submits that the matter has been pending since the year 2015 and no final order of maintenance has been passed as yet.

4. The learned counsel for the respondent submits that no unwarranted adjournment would be taken henceforth and all endeavours would be made that the witnesses are examined expeditiously.

5. Considering that the parties are at *ad idem* that additional witnesses can be summoned, the learned Trial Court is directed to take up the matter on the next date of hearing and fix a schedule for summoning of the witnesses sought to be produced by the petitioner as well as by the respondent.

6. The learned Trial Court is requested to expediate the proceedings and not grant unwarranted adjournments and if any of the party is seeking unnecessary adjournment, the learned Trial Court is directed to impose appropriate cost.

7. In view of the above, the order dated 30.03.2024, is set aside and the petition is disposed of in the aforesaid terms.

8. Pending application also stands disposed of.

AMIT MAHAJAN, J

NOVEMBER 21, 2024

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