



\$~69

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3489/2024**
MOHITA BHARGAVA Petitioner
Through: Mr. M.P. Bhargava and Mr. Aashu
Tyagi, Advocates.

versus
SUKESH BHARGAVA Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **02.05.2024**

CRL.M.A. 13395/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3489/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner/wife for setting aside order dated 06.04.2021 alongwith order dated 02.12.2023 passed in MT No.46/2022 passed by learned Family Judge-02, South East District, Saket Court Complex, Delhi.

2. In brief, vide impugned order dated 02.12.2023 learned trial court declined to recall the order dated 06.04.2021, whereby PW-1 was permitted to be called for cross-examination, subject to costs of Rs.5,000/- to be paid to PW-1. The aforesaid order was sought to be recalled on behalf of the petitioner on the ground that the respondent had been delaying the proceedings pending before learned trial court, but the same did not find favour by the learned Trial Court.



3. The grounds urged before the learned Family Court have been reiterated by learned counsel for the petitioner.

Learned trial court for cogent reasons refused to recall order dated 06.04.2021, whereby application moved on behalf of the respondent under Section 311 Cr.P.C. was allowed for recalling PW-1 for cross-examination, observing that cross-examination was necessary for proper adjudication of the disputes.

Considering the facts and circumstances of the case, no grounds for interference in the impugned are made out. Petition is accordingly dismissed. No order as to costs. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MAY 02, 2024/v