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

+ **CM(M) 2572/2024**

SHRI RAJ KUMAR SHARMA & ANR. Petitioners

Through: Mr. Anilendra Pandey, Adv.

versus

KUMARI PRERNA & ANR. Respondents

Through: Adv. for R-1 (appearance not given)
None for R-2.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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15.05.2024

CM APPL. 28888/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2572/2024, CM APPL. 28889/2024—Exp. From filing trial court

CM APPL. 28890/2024--stay

3. The present petition has been filed under Article 227 of the Constitution of India impugning the orders dated 06.03.2024, 22.03.2024, 25.04.2024 and 30.04.2024 passed by the learned ADJ-06, South District, Saket Courts, Delhi (hereinafter referred as 'Trial Court') in CS DJ No. 6043/2016 titled as "*Kumari Prerna vs. Raj Kumar Sharma Ors.*".
4. At the outset, the learned counsel for the petitioners submits that in the present petition, he is impugning only two orders i.e. 06.03.2024 and 22.03.2024. Vide order dated 06.03.2024, the learned Trial Court had closed the right of the petitioners to cross-examine PW-6. Subsequently, the



petitioners moved an application for review of order dated 06.03.2024 which was allowed by the learned Trial Court vide order dated 22.03.2024. However, the petitioners were burdened with a cost of Rs.10,000/- out of which Rs.5,000/- was to be paid to respondent no.1 and remaining Rs.5,000/- to be deposited in the Armed Forces Battle Casualties Welfare Fund.

5. Issue notice.

6. Learned counsel for the respondent no.2 puts an appearance on advance notice and accepts notice. None appears on behalf of respondent no.1 despite service of the advance notice.

7. From the perusal of the record, it is evident that on 06.03.2024, PW-6 was present for cross-examination. However, none had appeared on behalf of the defendants/petitioners herein on the said date of hearing. As a result, the right of the petitioners to cross-examine PW-6 was closed.

8. Learned counsel for the petitioners aggrieved by this order, challenged it on 22.03.2024, wherein the learned Trial Court allowed the application for review of the said order but imposed a cost of Rs.10,000/- upon the petitioners.

9. Submissions heard. Record and impugned orders passed by the learned Trial Court perused.

10. The petitioners are directed to pay cost of Rs.5,000/- to respondent no.1 and the remaining cost of Rs.5,000/- is waived off.

11. The petitioners have already given up his claim this petition with respect to two other impugned orders dated 25.04.2024 and 30.04.2024 and requests for liberty to file a fresh petition in order to challenge the aforementioned two orders.



12. The liberty as per law as prayed is granted.
13. With the above observations, the present petition stands disposed of.

MAY 15, 2024/ab

SHALINDER KAUR, J