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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 864/2023 & CRL.M.A. 22223/2023**
SUNITA SINGH Petitioner

Through: Mr. Aman Mehta, Adv.
versus

SH RAVINDER KUMAR SINGH Respondent

Through: Mr. Deepak Vuttsya,
Ms. Geetu Raheja,
Ms. Manorma Sharma and
Mr. Raunak Vuttsya,
Advs. (through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.01.2024

1. The present petition has been filed by the petitioner against the order dated 01.06.2023(hereafter '**impugned order**'), passed by the learned Principal Judge, Family Court, Central District, Delhi, in MT No. 5861426/16, whereby the application of the petitioner under Sections 14 and 20 of the Family Courts Act, 1984 for bringing certain documents on record, was dismissed.
2. MT No. 5861426/16 was filed by the petitioner under Section 125 of the CrPC for grant of maintenance.
3. At the outset, the learned counsel for the respondent submits that the present petition is not maintainable under Section 397/401 of **CrPC**.
4. He submits that the impugned order is an interlocutory order and no petition under Section 397 read with Section 401 of the CrPC can be filed challenging the interim orders passed, in a petition which is pending consideration before the learned Trial Court.
5. The learned counsel for the petitioner submits that this Court, in the case of **Raju v. Neelam & Ors: 2018:DHC:6005**, by its judgment dated 14.09.2018, had categorically held that

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challenge to any order passed by the Family Court, while exercising power under Section 125 of the CrPC, would be maintainable before this Court under Section 397 of the CrPC.

6. He further relies upon the judgment passed by a coordinate Bench of this Court in ***Urvashi Aggarwal & Ors. V. Inderpaul Aggarwal: 2021: DHC:1878***, where this Court, relying upon the earlier judgment passed by this Court in the case of ***Manish Aggarwal v. Seema Aggarwal : 2012:DHC:5709-DB***, had held that the remedy of the criminal revision was available in respect of both the interim as well as final order passed under Section 125 to 128 of the CrPC.

7. In view of the judgments referred above, the objection raised by the respondent is insubstantial.

8. The learned counsel for the petitioner submits that the impugned order has been passed erroneously by the learned Family Court, noting that the application under Sections 14 and 20 of the Family Courts Act, 1984 was filed to delay the proceedings.

9. He submits that the matter was listed on 03.05.2023 for cross-examination of RW-1 and RW-2. The learned counsel for the petitioner, at that stage, wanted to put certain documents to RW-2, Ms. Indra Kadam who is the real sister of the respondent, in order to show the falsity of the defence as set up by the respondent. He submits that the documents relied upon were necessary to be put to the respondent in order to prove the case of the petitioner.

10. The documents which are the subject matter of the controversy, are the letters written by the sister of the respondent to their parents, which according to the petitioner, show that the parents were instigated against the petitioner.



11. The learned counsel for the petitioner further submits that RW-2, however, was strategically not brought in evidence before the learned Trial Court and the document, which the petitioner desired to put to RW-2, could not be placed as evidence.

12. He submits that without wasting any time, the petitioner filed an application under Section 14 and Section 20 of the Family Courts Act, 1984 on 27.05.2023, praying that the documents annexed with the application be taken on record.

13. He submits that by virtue of the provisions of Section 14 of the Family Courts Act, 1984 the Family Court can receive any document as evidence, which in its opinion would assist it to deal effectually with the dispute, whether or not the same is otherwise relevant or admissible under the Indian Evidence Act, 1872.

14. He further submits that the provisions of Family Courts Act, 1984 has an overriding effect over any other provision that may be inconsistent therewith.

15. The learned counsel for the respondent, who appears through video conferencing, submits that the documents are not relevant for effectually dealing with the dispute in the present case.

16. Section 14 of the Family Courts Act, 1984 reads as under:

“14. Application of Indian Evidence Act, 1872.—A Family Court may receive as evidence any report, statement, documents, information or matter that may, in its opinion, assist it to deal effectually with a dispute, whether or not the same would be otherwise relevant or admissible under the Indian Evidence Act, 1872 (1 of 1872).”

17. On the perusal of the impugned order, it is seen that the application filed by the petitioner was dismissed solely for the reason that the same was moved to delay the proceedings.

18. It is relevant to note that the cross-examination of the RW-



1 was done on 03.05.2023. It is not disputed that the respondent had, along with the affidavit of RW-1, also filed an affidavit of RW-2. RW-2, however, was not brought for evidence.

19. In such circumstances, there is some merit in the argument raised by the learned counsel for the petitioner that they wanted to put certain documents to RW-2, in order to prove their case and the same could not be done because RW-2 was dropped as witness. Even otherwise, the application under Section 14 and Section 20 of the Family Courts Act, 1984 was filed on 27.05.2023, which was prior to the date fixed for final arguments, that is, 01.06.2023. Therefore, this is not a case where the petitioner had waited for a long period of time before moving any such application. The petitioner had moved an application, on the first opportunity after 03.05.2023 and prior to the date fixed, that is, 01.06.2023.

20. It is also relevant to note that Section 14 of the Family Courts Act, in no uncertain terms, gives power to the learned Trial Court to receive any report, statement, document, information as evidence that, in its opinion, would assist it to deal effectually with the dispute.

21. The Hon'ble Apex Court has time and again held that the Court should not summarily dismiss the application for taking additional evidence on record, the effect of which may be that the crucial evidence may escape the scrutiny of the Court, as the same would be prejudicial to the interest of the victim. It is the duty of the Court to take necessary steps if the evidence sought to be produced is found to be essential for the just decision of the case. The purpose of the Court is to arrive at the truth irrespective of the fact that the prosecution or the defence have not produced the evidence at an appropriate time. The adjudication of such



application for taking evidence is not for the purpose of either helping the prosecution or the accused but only to serve the cause of justice.

22. The learned Trial Court, in the present case, has not dealt with the aspect whether the documents sought to be placed as evidence would assist it in dealing effectually with the dispute pending before it.

23. This Court feels that the application filed by the petitioner under Sections 14 and 20 of the Family Courts Act, 1984 should not have been dismissed summarily for the sole reason that the petitioner wanted to delay the proceedings. The petitioner, in the present case, is a victim before the learned Trial Court. There is no reason for the victim to delay the proceedings instituted by her. This Court is also of the opinion that no such prejudice would be caused to the respondent in case the application is allowed to be heard on merits, that cannot be compensated in case the Court feels appropriate.

24. In view of the above, the impugned order is set aside.

25. The application filed by the petitioner under Sections 14 and 20 of the Family Courts Act, 1984 is restored. The learned Trial Court is directed to decide the said application, before proceeding further with the matter. The matter is thus remanded back to the learned Trial Court for consideration of the said application.

26. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 5, 2024

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