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

% ***Date of decision: 15th July, 2024***

+ **CM(M) 2916/2024 & CM APPL. 39039-39040/2024**

AASTHA MISHRA @ MUSKAANPetitioner

Through: Mr. Dhan Mohan, Ms. Gayatri Puri,
Mr. Shyam Sharan, Mr. Kuldeep Rai,
Mr. Ravi Mishra, Mr. Ratnesh
Tiwari, Ms. Tarisha Bhatia, Mr.
Hemant Gupta, Ms. Anjali Pandey,
Mr. Manoj Kumar Sharma and Mr.
Aryan Dev Pandey along with
petitioner in person

versus

MR. PRADEEP TIWARIRespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 39040/2024 (exemption)

Exemption allowed subject to all just exceptions.

CM(M) 2916/2024 & CM APPL. 39039/2024

1. Petitioner is defending a petition seeking divorce filed by her husband.
2. During the course of the aforesaid petition seeking divorce on the ground of cruelty, certain photographs were placed on record by her husband.
3. The sole grievance of the petitioner herein is that these photographs may be directed to be kept in sealed cover and not in open.



4. I have seen the impugned order dated 05.06.2024 passed by learned Judge, Family Court-01, South-West, Dwarka, New Delhi. In the last paragraph of the impugned order, learned Trial Court has observed that respondent (petitioner herein) was permitted to get these photographs kept in a sealed envelope with the assistance of Ahlmad of the Court.
5. According to petitioner, there are numerous photographs and the directions given by the learned Trial Court are not very clear and specific. It is submitted that there are still many photographs, which have been placed by her husband, which should not be permitted to be kept in open as some of these are their intimate photographs. Some of these were even clicked without her permission and knowledge.
6. It is also contended that these photographs have been placed on record merely for the purpose of harassing the petitioner herein.
7. It is apprised that case is fixed before the learned Trial Court on 18.07.2024 for recording of PE.
8. After hearing the arguments, learned counsel for petitioner states that she would be satisfied if the learned Trial Court is directed to keep all the photographs in a sealed envelope after these are marked and/or exhibited.
9. Keeping in mind the overall facts and circumstances of the case and the nature of petition pending before the learned Trial Court, the present petition is disposed of with the direction that when the learned Trial Court would take up the matter on the next date i.e. on 18.07.2024, after giving necessary exhibit or mark number to all such photographs, it would ensure that all these photographs are kept in a sealed cover and are permitted to be opened only with the permission of the Court.



10. Though the learned Trial Court has also given observation in the impugned order that he was not able to find any photograph which could be said to be obscene, it is made clear that it would be a subject matter of the trial whether the photograph is relevant or not and whether the photograph is obscene or not. The same be decided as per the evidence led by the parties and after hearing both the parties.

11. With the aforesaid observations, the petition stands disposed of.

(MANOJ JAIN)
JUDGE

JULY 15, 2024
dr