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

% ***Date of decision: 22nd July, 2024***

+ **CM(M) 2947/2024 & CM APPL. 37140/2024**

NISHA SHARMA

.....Petitioner

Through: **Mr. Vaibhav Gaggar with Mr. Utkarsh Tiwari, Advocates.**

versus

SIDDHARTH SHARMA

.....Respondent

Through: **Mr. Neeraj Kumar Sharma with Ms. Nidhi Agarwal, Mr. Siddharth Agarwal and Mr. Harshit Singhal, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner herein is defending a petition seeking divorce on the ground of cruelty.
2. The challenge is to the orders dated 19.04.2024 and 27.05.2024 whereby the request of the petitioner, i.e. Ms. Nisha Sharma to lead evidence in defence has been declined.
3. When this matter was taken up by this Court on 16.07.2024, it was informed to the Court that the petitioner Ms. Nisha Sharma would be coming to India and would be available for the purposes of recording of her evidence from 08.08.2024 to 13.08.2024.



4. Learned counsel for the respondent/Siddharth Sharma was also requested to take instructions whether one last opportunity could be granted to her.

5. Sh. Neeraj Kumar Sharma, learned counsel for respondent, on instructions, states that, without prejudice to his rights and contentions and in the interest of justice, he would have no objection if one last and final opportunity is granted to the petitioner Ms. Nisha Sharma to lead her evidence before the learned Trial Court on any date (s) during the aforesaid range of dates. He also states that let there be imposition of reasonable cost for causing delay in the matter. It is also submitted that this Court may only permit petitioner Ms. Nisha Sharma to enter into witness box and no permission be granted to her to examine any other witness.

6. Learned counsel for the petitioner agrees to above and supplements that there is no intention to delay the matter and he would ensure that the petitioner Ms. Nisha Sharma appears before the learned Trial Court for the purposes of recording of her evidence.

7. It is apprised that the learned Trial Court has already heard arguments on 03.07.2024 and the case is now fixed on 02.08.2024.

8. Keeping in mind the overall facts and circumstances of the case and the gracious concession given by the learned counsel for the respondent and also the assurance given by the learned counsel for the petitioner, on instructions, the present petition is disposed of with the following directions:-



- (i) The petitioner Ms. Nisha Sharma would make herself available before the learned Trial Court between 08.08.2024 and 13.08.2024, (both dates inclusive) as per the directions to be given by the learned Trial Court.
- (ii) Learned Trial Court, when it takes up the matter on 02.08.2024, would fix up the date for recording of her evidence within the aforesaid range of dates.
- (iii) The petitioner would also pay a cost of Rs.20,000/- to the respondent on the next date of hearing i.e. 02.08.2024.
- (iv) Opportunity is being given to petitioner Ms. Nisha Sharma for recording of her evidence only and this Court has not permitted her to examine any other witness.
- (v) The learned Trial Court would be at liberty to hear the final arguments immediately after conclusion of such evidence. It would be subject to its board position.
- (vi) Both the parties, as undertaken, would file written submissions before the learned Trial Court and the Court would give one opportunity to both the sides for the purposes of advancing oral arguments.

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

(MANOJ JAIN)
JUDGE

JULY 22, 2024
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