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

% ***Date of decision: 31st July, 2024***

+ **CM(M) 3065/2024**

MR ASHWIN MITTAL

.....Petitioner

Through: Ms. Rashmi Chopra, Ms. Fiza Chopra, Mr. Puneet Rathi and Mr. Prarikshit Bhati, Advocates along with petitioner in person

versus

MS KANIKA GUPTA MITTAL

.....Respondent

Through: Mr. R.K. Naroda, Mr. Udayan Mukerji, Ms. Jaya Pahwa, Ms. Bhavika Kohli and Mr. Chandan Mishra, Advocate along with respondent in person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 43110/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3065/2024 & CM APPL. 43109/2024

1. Petitioner has filed a petition seeking divorce on the ground of cruelty under Hindu Marriage Act, 1955.
2. It seems that during pendency of the trial, several applications have been filed before the learned Trial Court by both the sides and such applications are pending adjudication.
3. The grievance of the petitioner is very limited and it is contended that though while taking up all such applications, learned Trial Court could have



simultaneously fixed up the matter for recording of respondent's evidence. However, as per the directions contained in the impugned order, respondent's evidence has been directed to be recorded only after the pending applications are disposed of.

4. Learned counsel for respondent appears on advance notice and accepts notice.

5. Both the sides have been heard.

6. During course of consideration, learned counsel for respondent has also, very fairly, stated that he never had any intention to delay the matter and if learned Trial Court deems it fit and fixes up the matter for recording of respondent's evidence, he would give his best co-operation in this regard.

7. In view of the above, present petition is disposed of with request to the learned Trial Court to fix up the matter for the purpose of recording of evidence simultaneously. It is apprised that a Local Commissioner has already been appointed and learned Trial Court would accordingly keep said aspect in mind and would direct for recording of evidence through such Local Commissioner.

8. Both the parties would appear before the learned Trial Court on the date fixed and learned Trial Court shall fix up date for RE.

9. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 31, 2024/dr