



2024:DHC:6811-DB



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

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Date of decision: 04.09.2024+ **MAT.APP.(F.C.) 288/2024**+ **MAT.APP.(F.C.) 291/2024**

TEJINDER SINGH

.....Appellant

Through: Mr R.L. Sood, Sr. Advocate with Mr
Giriraj Subramaniam, Mr Simarpal
Singh Sawhney, Mr Akhilesh Talluri
and Ms Veda Singh, Advocates.

versus

BEVERLEY SINGH

.....Respondent

Through: Mr Prosenjeet Banerjee, Advocate.

CORAM:**HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J.: (ORAL)****CAVEAT No. 425/2024 in MAT.APP.(F.C.) 288/2024**

1. Since counsel for the respondent has entered appearance, the caveat stands discharged.

CM APPL. 50080/2024 in MAT.APP.(F.C.) 288/2024**CM APPL. 51365/2024 in MAT.APP.(F.C.) 291/2024**

2. Allowed, subject to just exceptions.



MAT.APP.(F.C.) 288/2024 and CM APPL. 50079/2024 [*Application filed on behalf of the appellant seeking interim relief*]

MAT.APP.(F.C.) 291/2024 and CM APPL. 51364/2024 [*Application filed on behalf of the appellant seeking interim relief*]

3. These appeals have been preferred by Mr Tejinder Singh.
4. MAT. APP. (F.C.) 288/2024 is directed against the order dated 27.08.2024 passed by the Family Court.
5. In sum, on 27.08.2024, the plea advanced on behalf of the appellant/Mr Tejinder Singh to extend time to file an affidavit-of-evidence was declined. The Family Court rightly took recourse to the direction contained in paragraph 9(iv) of this Court's order dated 11.07.2024. Significantly, the directions contained in the order dated 11.07.2024 had been passed with the consent of counsel for the parties.
6. Consequently, the Family Court, *via* the order dated 27.08.2024, listed the matter for cross-examination of PW-1 on 29.08.2024.
7. Insofar as the other appeal is concerned, it is preferred against the order dated 29.08.2024 passed by the Family Court.
8. *Via* order dated 29.08.2024, the Family Court rejected the plea advanced by the appellant/Mr Tejinder Singh seeking deferral of the cross-examination of PW-1. Pursuant to this, the Family Court closed the right of the appellant/Tejinder Singh to cross-examine PW-1/respondent/Beverley Singh.
6. Since the right of the appellant/Mr Tejinder Singh to cross-examine was closed, the Family Court accepted the submission advanced by the counsel for the respondent/Beverley Singh that he would not like to examine any other witnesses.



6.1 Consequently, the examination of witnesses stood closed, and the main action was directed to be listed for final arguments on 06.09.2024.

10. Mr R.L. Sood, learned senior counsel, who appears on behalf of the appellant/Mr Tejinder Singh, has given us the broad history of the dispute obtaining between the parties.

10.1 Mr Sood contends that delay occurred due to the appellant's/Mr Tejinder Singh's advanced age and medical condition.

11. The record discloses that the appellant/Mr Tejinder Singh is about 81 years old. Insofar as the respondent/Ms Beverley Singh is concerned, she has also reached an advanced age. We are told that she is about 70 years of age.

12. It is not in dispute that insofar as the appellant/Mr Tejinder Singh is concerned, it is his fourth marriage while for the respondent/Ms Beverley Singh, it is her second marriage. Although the marriage appears to have run into rough weather, the parties appear to have the wherewithal to withstand litigation attrition.

13. That said, we had put in place directions *via* judgment dated 11.07.2024 only to hasten the conclusion of the instant action pending before the Family Court. We have been informed by Mr Sood that the delay was caused on account of various reasons, including the reason that the appellant/Mr Tejinder Singh had to gather material for filing his income affidavit, and the fact that one limb of the proceedings was pending adjudication before the Supreme Court.

13.1 It is also Mr Sood's contention that certain additional documents have been filed on behalf of the respondent/Ms Beverley Singh.

14. Mr Prosenjeet Banerjee, on the other hand, says that the factors



mentioned above were known to the appellant's/Mr Tejinder Singh's counsel when the order dated 11.07.2024 was passed. However, insofar as additional documents are concerned, Mr Banerjee says that most of the documents concerned proceedings obtaining between the parties. However, Mr Banerjee does concede that certain additional documents have been filed which are not part of any legal proceeding.

15. There is, obviously, a disruption of the timeline that we had fixed in the matter.

16. We are of the view that the parties need to appreciate that closure of proceedings, either way, is in their interest. Therefore, while the additional documents filed on behalf of the respondent/Ms Beverley Singh will continue to remain on record, we are issuing the following directions giving leeway to the appellant/Mr Tejinder Singh to ensure that the action is concluded within the timeframe which we intend to set forth hereafter.

17. Accordingly, once again, with the consent of counsel for the parties, the following directions are issued:

- (i) The appellant/Mr Tejinder Singh will file affidavit of evidence(s) on or before 24.09.2024.
- (ii) The respondent/Ms Beverley Singh, along with other witnesses who she wishes to tender, will remain physically present for cross-examination on 30.09.2024.
- (iii) Once the cross-examination of the respondent's/Beverley Singh's witnesses is completed, the Family Court will fix dates for enabling the appellant/Mr Tejinder Singh to tender his witnesses.
- (iv) The Family Court would consider, if necessary, the request of the appellant/Mr Tejinder Singh to be examined through a Local Commissioner



at Shimla, given his age and medical condition. If such a request is made, necessary directions will be issued so that the cross-examination is not impacted by any extraneous circumstances.

18. Since timelines, as provided in the 11.07.2024 order, have shifted, the Family Court will endeavour to pass a final judgment on or before 28.02.2025, instead of 31.12.2024.

19. Needless to add, a date will be fixed and liberty will be granted to both sides to address final arguments in the matter.

20. The Family Court will ensure that the cross-examination of the witnesses of either side does not end up delaying unnecessarily the adjudication of the matter.

21. Furthermore, we are making it absolutely clear if the affidavit-of-evidence is not filed by the appellant/Mr Tejinder Singh concerning himself and other witnesses, on or before 24.09.2024, no further opportunity will be given.

22. In addition to the above, having regard to the overall conduct of the appellant/Mr Tejinder Singh, we are inclined to mulct him with costs of Rs.1 lakh. It is ordered accordingly.

22.1 The cost will be paid to the respondent/Ms Beverley Singh within the next ten (10) days.

22.2 Proof of costs will be filed with the Family Court.

23. We make it abundantly clear that observations made hereinabove will not impact the main matter.

24. The appeals are disposed of in the aforesaid terms.

24.1 Pending applications shall also stand closed.



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25. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 4, 2024 /tr

Signature Not Verified

Digitally Signed By: TARUN
RANA

Signing Date: 05.09.2024
14:53:34

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