



2024:DHC:7388



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 23th September, 2024***+ **CM(M) 3454/2024 & CM APPL. 56014/2024****ANAMIKA**

.....Petitioner

Through: **Ms. Shimpy Sharma, Mohd. Arham
and Mr. Arman Sharma, Advocates**

versus

SUDHANSHU KAUSHIK

.....Respondent

Through: **Ms. Upasana Pahuja, Advocate
(Through VC)****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)****CM APPL. 56014/2024 (exemption)**

Exemption allowed, subject to all just exceptions.

CM(M) 3454/2024

1. Ms. Upasana Pahuja, learned counsel for respondent has joined the proceedings through videoconferencing.
2. Respondent Sudhanshu Kaushik has filed a petition seeking divorce under the provision of Hindu Marriage Act, 1955.
3. During course of the proceedings, learned Trial Court noticed that certain irrelevant questions were being put to PW1 during cross-examination conducted on 21.02.2024 and, therefore, her right to cross-examine not only PW1 but also PW2 & PW3 was closed.
4. Thereafter, when an application was moved seeking permission to cross-examine them, learned Trial Court granted such permission, *albeit*,



while imposing a cost of Rs. 20,000/-. This is obvious from order dated 03.06.2024.

5. Thereafter, petitioner moved an application seeking waiver of the cost and recalling of the aforesaid order but said application was dismissed on 03.08.2024.

6. Such order is under challenge.

7. It is quite clear that on 21.02.2024, when the cross-examination of PW1 was underway, certain questions, alleged to be irrelevant, were being put and the learned Trial Court disallowed such questions and observing that learned counsel for respondent was not interested in cross-examining the witnesses, the right of the respondent to cross-examine all the witnesses i.e. PW1, PW2 & PW3 was directed to be closed.

8. Learned counsel for the petitioner states that even if the learned Trial Court had felt that there was some deliberate delaying tactics or that some irrelevant questions were being put to PW1, learned Trial Court should not have shut her right to cross-examine PW2 & PW3 whose cross-examination had not even begun by then.

9. During course of the arguments, learned counsel for petitioner also submitted that she was no longer interested in further cross-examining PW1 but her right to cross-examine PW2 & PW3 should not have taken away merely because she had put, as alleged, some irrelevant questions to PW1.

10. I have heard Ms. Pahuja, learned counsel for respondent as well.

11. Finding some substance in the aforesaid submissions made by learned counsel for petitioner, the present petition is disposed of with the direction that petitioner herein i.e. Ms. Anamika would be permitted to cross-examine PW2 & PW3. It is informed that matter is fixed before the learned Trial



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Court tomorrow itself and both the sides would take a convenient date from the learned Trial Court and on such date, petitioner herein would cross-examine PW2 & PW3. It is made clear that as undertaken before this Court, petitioner Ms. Anamika shall not move any application seeking recall of PW1 for further cross-examination.

12. Simultaneously, the cost of Rs. 20,000/-, which had been imposed upon the respondent by the learned Trial Court, is also waived off.

13. Present petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 23, 2024/dr