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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3525/2024 & CM APPL. 57763/2024**
VANDANA TANDON

.....Petitioner

Through: Mr. Mohd. Adil, Advocate.

versus

TARUN TANDON

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
01.10.2024

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1. Petitioner herein is defending a divorce petition filed by her husband on the ground of cruelty.
2. Petitioner was granted liberty to cross examine the respondent herein but it seems that it was not done and thereafter when permission was sought, such permission was granted, *albeit*, subject to the imposition of cost.
3. The petitioner herein has been burdened with cost, twice.
4. Cost of Rs. 5,000/- was imposed on 01.11.2023 which was for the reason that the counsel for the respondent (petitioner herein) was not in a position to appear as he was busy in some urgent matter elsewhere.
5. Thereafter, when the matter was taken up on 31.01.2024, further cost of Rs. 10,000/- was imposed. It was also directed that if the cost was not paid, the right of respondent to cross-examine PW-1 Tarun Tandon would stand closed.

CM(M) 3525/2024

1



6. Since the cost was unpaid, by inference, the right of petitioner herein to cross-examine her husband stands closed.
7. Such order is under challenge.
8. The sole contention raised by learned counsel for petitioner is to the effect that, keeping in mind the financial position of the petitioner herein, the cost should have been waived or suitably reduced.
9. However, when asked, learned counsel for petitioner, very fairly, submitted that no such application was ever moved before the learned Trial Court. He also states that there was never any disinclination to not cross examine such husband and since the cost could not be cleared, the petitioner herein was in no position to cross-examine him.
10. After hearing arguments for some time, learned counsel for petitioner seeks to withdraw the present petition with liberty to file appropriate application before the learned Trial Court seeking waiver or substantial reduction in the cost.
11. The petition is, accordingly, dismissed as not pressed.
12. Liberty, as prayed, is granted.
13. It is expected that as and when any such application is filed before the learned Trial Court, learned Trial Court would consider the same and dispose it of in accordance with law.
14. It is, however, clarified that this Court has not expressed any opinion in this regard, either way.

MANOJ JAIN, J

OCTOBER 1, 2024/SW

CM(M) 3525/2024

2