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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 351/2024**

SAPNA GIYA

.....Appellant

Through: **Ms. Payal Chawla and Ms. Kanika
Tekchandani, Advocates**

versus

DEEPAK GIYA

.....Respondent

Through: **Mr. Sanjeev Sahay,(through VC), Mr.
Karan Deep Singh, Mr. Archit
Kumar, Ms. Shagun Saproo,
Advocates**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
24.10.2024

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CM APPL. 63035/2024-Exp

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 63034/2024-Delay 4 days

3. This is an application filed by the appellant seeking condonation of 4 days delay in preferring the appeal.
4. Taking into account the period of delay involved and the fact that the appeal has been preferred under the aegis of the Delhi High Court Legal Services Committee, we condone the delay in filing of the appeal. The application is, accordingly for the reasons stated therein, allowed.



5. The application stands disposed of.

MAT.APP.(F.C.) 351/2024, CM APPL. 63033/2024-Stay

6. Issue notice.

7. Learned counsel for the respondent accepts notice.

8. After some arguments, the learned counsel for the respondent submits that the respondent has no objection to the impugned orders dated 04.12.2023 and 18.09.2024 being set aside and the appellant herein, who is the respondent in HMA No.8967/2016 pending before the learned Family Court, Tis Hazari Courts, New Delhi, being given another opportunity to appear for cross-examination before the learned Local Commissioner, costs whereof will be borne by the respondent, including all other dates of her cross-examination.

9. In the light of this stand taken by the respondent and for the reasons stated in the appeal, we allow the appeal and set aside the impugned orders dated 04.12.2023 and 18.09.2024. We further direct that the matter be fixed before the learned Local Commissioner at 11:00 am on 16.11.2024 as agreed between the parties. The appellant will appear before the learned Local Commissioner on the said date and continue to appear before the learned Local Commissioner till her cross-examination is complete. As undertaken by the learned counsel for the respondent, the costs of the learned Local Commissioner will be borne by the respondent.

10. While disposing of the appeal in the aforesaid terms, we not only direct the learned Family Court to defer hearing of final arguments in the matter but also make it clear that fixing of this date of 16.11.2024 before the learned Local Commissioner will not come in the way of the learned L.C. changing this date with the mutual consent of the parties.



11. A copy of this order be given *Dasti* under signature of the Court Master.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 24, 2024/So