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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 648/2025 & CM APPL. 20487-20488/2025**

SONI GUPTA

.....Petitioner

Through: Mr. S.S. Panwar with Ms. Nividita
Panwar, Mr. Ravi Panwar, Mr. S.D.
Baloni and Mr. Nawal Kishore,
Advocates.

versus

GAURAV GARG

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
07.04.2025

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1. Petitioner/wife is defending a petition which seeks divorce on the ground of cruelty.
2. According to Sh. S.S. Panwar, learned counsel for the petitioner/wife, when the affidavit was filed by the husband, he made reference to several documents which were beyond pleadings. He also made reference to certain documents which had been merely placed on record along with replication, without taking any leave of the Court. He submits that, therefore, these documents cannot be tendered into evidence.
3. The petitioner/wife, accordingly, moved an application under Section 151 CPC which has been disposed of by the learned Judge, Family Court, observing that she would be at liberty to take objection regarding any document or evidence, being beyond pleadings before

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the learned Local Commissioner, who is recording the evidence. Therefore, for all purposes, the objection raised by the petitioner herein has yet not been decided against her.

4. Learned counsel for the petitioner, however, submits that despite there being an objection taken by him at the time of exhibition of the documents and also with respect to the documents which had been placed on record without seeking leave of the Court, if there is a cross-examination with respect to such documents, it might indicate as if she has given up such objection. Fact remains that she has never given her 'no objection' with respect to placing of such documents on record.

5. In order to repel any such apprehension, it is clarified that petitioner, without prejudice to her rights and objections as available to her under the law, would be at liberty to cross-examine with respect to any such document as well.

6. In view of the above, Sh. S.S. Pawar, without prejudice to his rights and contentions, does not press the present petition.

7. The petition is, accordingly, dismissed as not pressed in aforesaid terms.

8. Copy of the order be given *dasti* under the signatures of Court Master.

MANOJ JAIN, J

APRIL 7, 2025
st/shs