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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 17th April, 2025***
+ CM(M) 695/2025, CM APPL. 22537/2025, CM APPL. 22538/2025 &
CM APPL. 22539/2025

HIMANSHU SHEKHAR

.....Petitioner

Through: Mr. Jitendra Kumar Jha and Mr.
Jitender Rathi, Advocates

versus

MAMTA SHEKHAR

.....Respondent

Through: Ms. Shristi Borthakur, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending a petition which seeks divorce.
2. He is aggrieved by order dated 29.03.2025 whereby his request to examine seven witnesses in his defence has been turned down.
3. The impugned order is comprehensive one and the learned Trial Court, after noticing certain minute details, has come to conclusion that witnesses cited by the petitioner herein are not relevant and also that there is no fact pleaded with respect to them in the pleadings i.e. in the written statement.
4. Two such witnesses are his real sisters, namely, Smt. Veena Singh and Smt. Savita Singh.
5. During course of arguments, learned counsel for petitioner has restricted his request merely to grant permission to examine such two sisters.
6. Learned counsel for respondent/wife appears on advance notice and submits that there is no merit and substance in the present petition and no real



purpose is going to be achieved by examining such sisters either.

7. Divorce has been sought on the ground of cruelty and, apparently, the purpose of examination of such sisters would be to disprove the allegation of cruelty. Viewed thus, this Court feels that the request for examination of sisters should not have been denied by learned Family Court.

8. The case is now, reportedly, at the stage of final arguments and is now listed on coming Saturday i.e. 19.04.2025.

9. Keeping in mind overall facts of the case, this Court is inclined to partly allow the present petition, *albeit*, with following conditions:-

- (i) The petitioner is permitted to examine his said two sisters in his defence.
- (ii) It will be obligatory for the petitioner herein to submit the affidavits of examination-in-chief of both the sisters within two weeks from today before the learned Trial Court. Needless to say, advance copy of such affidavits shall also be duly supplied to the opposite side/counsel.
- (iii) Once these affidavits are brought on record within the aforesaid period, learned Trial Court shall fix up dates for their examination. This Court expects that the concerned witnesses would make themselves available on such dates so that the matter does not get delayed unnecessarily any further.
- (iv) Learned counsel for respondent shall also make her best endeavour to conclude cross-examination on the dates to be given by learned Trial Court for said two witnesses.
- (v) It is clarified that the petitioner would not be entitled to seek any extension of time for the aforesaid purpose on any ground



whatsoever.

10. Petition stands disposed of in the aforesaid terms.
11. Pending applications, if any, stand disposed of accordingly.

(MANOJ JAIN)
JUDGE

APRIL 17, 2025/dr/SS