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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4444/2025 & CRL.M.A. 19344/2025**

JITENDER SHARMAPetitioner

Through: Mr. Lakshay Dilavari,
Adv.

versus

ARUSHI SHARMA AND ANRRespondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **09.07.2025**

1. The petitioner challenges the order dated 03.04.2025 (hereafter '**impugned order**'), passed by the learned Family Court, Shahdara, Karkardooma Courts, Delhi in MT No. 351/2018.
2. By the impugned order the learned Family Court allowed the application filed by the respondents under Section 311 of the Code of Criminal Procedure, 1973 ('**CrPC**') and permitted them to re-examine the petitioner (RW-1).
3. From a perusal of the application filed under Section 311 of the CrPC, it is apparent that the only reason mentioned seeking re-examination was change of counsel. It was stated in the application that the present counsel had examined the case file and came to know that the previous counsel had not asked certain relevant questions.
4. The learned counsel for the petitioner states that the application was filed only to delay the proceedings.
5. This Court agrees with the arguments advanced by the learned Counsel for the petitioner. Only because a subsequent



counsel engaged by a party of a different opinion or have a different strategy cannot be a ground for allowing an application under Section 311 of the CrPC.

6. However, considering that the dispute relates to grant of maintenance to the respondents, who are the wife and the minor child of the petitioner, purely in the interest of justice, this Court is of the opinion that no serious prejudice would be caused if one opportunity is granted to the respondents to re-examine the petitioner.

7. The matter is fixed before the learned Trial Court for said purpose on 14.07.2025.

8. The learned Trial Court is requested to conclude the re-examination of the petitioner on the said date itself and not grant any unwarranted adjournment to any of the parties.

9. The learned Trial Court is also requested to make endeavours to conclude the proceedings within a period of six months.

10. Considering the above, this Court does not consider it apposite to entertain the present petition. The petition is, therefore, disposed of with the aforesaid observations.

AMIT MAHAJAN, J

JULY 9, 2025

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