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

+ **MAT.APP.(F.C.) 265/2025 & CM APPL. 43679/2025**

TARUN TANDON

.....Appellant

Through: Mr. Rudra Pratap, Mr. Tushar
Randhawa, Mr. Rahul Sharma
and Ms. Nandini Singh
Randhawa, Advocates.

versus

VANDANA TANDON

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

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25.07.2025

1. By way of the present Appeal under Section 19 of the Family Courts Act, 1984, [“hereinafter referred to as the Act”] the Appellant assails the correctness of the Order dated 16.05.2025 [“hereinafter referred to as the “Impugned Order”] passed by the learned Principal Judge, Family Court, South-East District, Saket, whereby the Respondent was granted one last opportunity to cross-examine the Appellant [PW-1 therein], subject to payment of costs of Rs. 5,000/-.
2. Learned counsel for the Appellant contends that the right of the Respondent to cross-examine the Appellant was closed on 24.04.2024, due to non-payment of previously imposed costs, and that the Respondent's challenge to the said order before this Court in CM(M) 3525/2024 was dismissed as withdrawn with liberty only to move an



appropriate application before the learned Trial Court seeking waiver or substantial reduction of the costs. He further submits that the Family Court lacked jurisdiction to entertain such a plea and had no power to review its own Order.

3. This Court has considered the submissions advanced by learned counsel for the Appellant and has perused the impugned order as well as the proceedings on record. It is noted that the order dated 24.04.2024, whereby the right of the Respondent to cross-examine the Appellant was closed, was passed solely on account of non-compliance with earlier cost orders. It was thus a procedural order regulating the conduct of trial, and not one that decided any substantive rights of the parties. As such, it was open to the Family Court to reconsider the same in appropriate circumstances.

4. In the present case, the Family Court, while passing the Impugned Order, recorded its satisfaction that denial of the opportunity to cross-examine the Appellant would cause grave prejudice to the Respondent. The Court was conscious that the earlier defaults were not condoned lightly, and it imposed a further cost of ₹5,000/- while allowing only a limited indulgence for the purpose of cross-examination.

5. It is well-settled that the Family Court is not a *persona designata* but a regular Civil Court constituted under the Act. It therefore possesses inherent powers under Section 151 of the Code of Civil Procedure, 1908 to regulate its procedure and prevent miscarriage of justice. The Impugned Order merely modifies a procedural direction issued during the trial and does not amount to review of a final adjudication. The Hon'ble Supreme Court in ***State of Punjab v. Davinder Pal Singh Bhullar***, (2011) 14 SCC 770, has held



that interim orders passed during proceedings which do not decide substantive rights can be recalled or modified without invoking review jurisdiction.

6. Further, in ***Shivdeo Singh v. State of Punjab***, AIR 1963 SC 1909, the Hon'ble Supreme Court affirmed that High Courts and Civil Courts possess inherent powers to correct errors or recall orders to prevent miscarriage of justice, even in the absence of an express statutory provision. Thus, the Family Court was well within its jurisdiction in recalling a procedural order that could have otherwise led to injustice.

7. The Statement of Objects and Reasons appended to the Act further reinforces the legislative intent to adopt a non-technical, participatory and flexible adjudicatory process in family law matters. Procedural lapses that do not affect jurisdiction or merit can be relaxed to advance the cause of justice.

8. In the present case, the learned Family Court, having considered the plea of the Respondent and her explanation, came to the conscious conclusion that denial of the opportunity to cross-examine the Appellant would result in grave prejudice to her, particularly in a matrimonial dispute involving sensitive personal issues. The opportunity was allowed as a one-time indulgence, subject to payment of further cost, and no prejudice was caused to the Appellant in this process. On the contrary, denial of such opportunity may have defeated the very object of a just and effective resolution under the Act. The impugned order is, therefore, a measured exercise of judicial discretion aimed at advancing the cause of justice.

9. Accordingly, this Court finds no infirmity in the Impugned Order and the same is upheld.



10. The present Appeal, along with all pending applications, if any, stand dismissed.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J

JULY 25, 2025/nd/va