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

+ **MAT.APP.(F.C.) 269/2025**

PINKY NAIN

.....Appellant

Through: Ms. Sulekha, Advocate.

versus

VIKAS MALIK

.....Respondent

Through: Mr. Piyush Lakhanpal,
Advocate.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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30.07.2025

CM APPL. 44848/2025 (for condonation of delay of 85 days in filing appeal)

1. By way of the present application filed under Section 5 of the Limitation Act, 1963, the Applicant/Appellant seeks condonation of delay of **85 days** in filing the present appeal.

2. For the sufficient reasons stated in the application, the delay is condoned.

3. Accordingly, the present application stands disposed of.

MAT.APP.(F.C.) 269/2025 & CM APPL. 44847/2025 (Stay)

1. By way of this Appeal, under Section 19 of the Family Courts Act, 1984, the Appellant has challenged the Order dated 03.02.2025 [**"Impugned Order"**] passed by the learned Principal Judge, Family Court, North Rohini Courts, Delhi in HMA No. 2387 of 2023. *Vide* the Impugned Order, the application filed by the Appellant, seeking an



opportunity to cross-examine PW-1 & 2, came to be dismissed.

2. We have perused the Order dated 03.02.2025 passed by the learned Family Court wherein it is noted that on 21.11.2024, the Appellant's opportunity to cross-examine the PW-1 & PW-2 was closed after declining the request for adjournment on the ground that the erstwhile counsel for the Appellant was on bed rest.

3. It is further noted that on 03.02.2025, an opportunity to cross-examine the Petitioner therein was offered; however, even on the said date, an adjournment was sought by the Appellant herein as her erstwhile counsel was not available owing to a personal exigency. Finding the application devoid of any merits and as no document regarding the illness of the erstwhile counsel was filed, the said application came to be dismissed.

4. Learned counsel for the Appellant, who is newly engaged by the Appellant, submits that one opportunity to cross-examine PW-1 & PW-2 may be granted.

5. Keeping in view the facts of the case and after hearing learned counsel for the parties, this Court is of the opinion that ends of justice would be served, if the Appellant is granted another effective opportunity to cross-examine PW-1 & PW-2.

6. Accordingly, the learned Family Court is directed to allow the Appellant to cross-examine PW-1 & PW-2 on the next date of hearing before it.

7. Respondent herein undertakes to produce PW-1 & PW-2 on the next date of hearing, i.e.16.10.2025, before the learned Family Court.

8. It is made clear that if on the next date of hearing, learned counsel for the Appellant fails to cross-examine the afore-mentioned witnesses, no further opportunity shall be granted to the Appellant.



9. With the directions as aforesaid, the present Appeal, along with pending application(s), if any, stands disposed of.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J

JULY 30, 2025/tk/va