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

+ CM(M) 2159/2025, CM APPL. 70573/2025-Stay

ANU SAXENA

.....Petitioner

Through: Mr. Yuganshu Sharma, Mr. Sarthak
Vashisht, Advocates with petitioner
in person

versus

VIKAS SAXENA

.....Respondent

Through: Mr. Sahil Kakkar and Mr. Vinod
Patidar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.11.2025

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1. By virtue of the present petition, the petitioner seeks to challenge the orders dated 24.07.2025 and 06.09.2025 passed by the learned Additional Principal Judge, Family Court, South-West, Dwarka Courts, New Delhi in HMA No.1547/2020.
2. It is the case of the petitioner that the order dated 24.07.2025, by virtue of which a Local Commissioner was appointed for recording of evidence of the witnesses of the petitioner therein, was passed without her consent and since various petitions *inter se* the parties are pending, it is difficult for the petitioner to appear before the learned Local Commissioner.
3. Learned counsel for the petitioner further submits that despite what has been specifically recorded by the learned Family Court in its order dated 24.07.2025, the petitioner will face financial burden as the costs are liable to be imposed if she does not appear before the learned Local



Commissioner for recording of evidence.

4. Lastly, relying upon the judgment of a Co-ordinate Bench of this Court in “*M/s. H Dohil Constructions Co (P) Ltd v. Rohit Lal & Ors.*”, learned counsel for the petitioner submits that the appropriate procedure for recording of evidence would be before the learned Family court and not before the learned Local Commissioner.

5. *Prima facie*, this Court is not convinced with any of the arguments addressed by the learned counsel for the petitioner since the impugned orders dated 24.07.2025 and 06.09.2025 speak for themselves. The learned Family Court in the impugned orders has only taken necessary safeguards to ensure that the parties do not take any unnecessary adjournment so as to defeat the whole purpose of recording the evidence before the learned Local Commissioner, particularly whence the dispute *inter se* the parties is a matrimonial one, which cannot be allowed to be protracted for a long period keeping in view its painful and acrimonious impact on the parties.

6. At this stage, learned counsel for the petitioner, without adverting to the merits involved, upon instructions from the petitioner who is appearing in person, seeks to withdraw the present petition and states that the petitioner in compliance of order dated 24.07.2025 will appear before the learned Local Commissioner on 24.11.2025.

7. As such, the present petition alongwith the pending application, stands dismissed as withdrawn.

SAURABH BANERJEE, J

NOVEMBER 12, 2025/So