



2025:DHC:9875-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI**Date of decision: 12.11.2025**

+ MAT.APP.(F.C.) 399/2025, CM APPL. 70408/2025 (Exp.) &
CM APPL. 70409/2025 (Stay)

ANUPREET KAUR GULATI

.....Appellant

Through: Mr. Vikas Arora and Ms.
Radhika Arora, Advocates.

versus

GURPREET SINGH GULATI

.....Respondent

Through: *Nemo.*

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN****SHANKAR**

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JUDGEMENT (ORAL)**ANIL KSHETARPAL, J.**

1. The present Appeal, under Section 19 of the Family Courts Act, 1984 read with Section 151 of the Code of Civil Procedure, 1908, seeks setting aside of the Impugned Order dated 17.10.2025 passed by learned Principal Judge, Family Court, North West District, Rohini Courts, Delhi in HMA 343 of 2018 titled as "*Gurpreet Singh Gulati v. Anupreet Gulati @ Anupreet Kaur Thukral*". By the Impugned Order, the learned Family Court dismissed two applications, made by the Appellant-Wife, pertaining to her evidence.

2. In the peculiar facts and circumstances of the present case, issuance of notice to the Respondent herein is dispensed with,

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particularly in view of the fact that the Appellant-Wife only prays for an opportunity to produce her father (RW-2) who has partially been cross-examined and her daughter who is 17 years of age for their testimony.

3. The Respondent herein has filed a Petition under Section 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, seeking dissolution of marriage by a decree of divorce on the grounds of cruelty and desertion.

4. The cross-examination of the Respondent-Husband¹ who appeared as PW-1 was completed on 28.09.2024. Thereafter, the Appellant-Wife (RW-1) was called upon to lead the evidence. She tendered her affidavit in lieu of examination-in-chief and her cross-examination was completed on 09.05.2025.

5. Appellant-Wife put forth the examination of her father (RW-2), who is nearly 81 years of age. The affidavit was tendered on 24.05.2025. Thereafter, the case was adjourned to 12.07.2025, however, the Appellant's father could not appear as the Appellant-Wife had gone to attend child's Parents-Teacher Meeting.

6. It is put forth before this Court that the Appellant-Wife is the one responsible to bring her father to the Court, keeping in view his advanced age. The matter was adjourned to 16.07.2025 as a final opportunity to Appellant-Wife to conclude her evidence. However, the Appellant-Wife received a call from her daughter's school to pick her up, on account of bomb scare. Hence, she could not bring her father to the Court for completing cross-examination. The case was adjourned to 01.08.2025. It is, however, asserted that the Appellant's father was

¹ Petitioner before Family Court



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not in good health during the said date. Thus, he could not appear again.

7. On 01.08.2025 itself, the learned Family Court not only closed the evidence of Appellant's father (RW-2) but also closed her entire evidence.

8. Appellant-Wife thereafter filed two separate applications on 26.08.2025, *first*, to re-open her evidence and *second*, to bring on record additional witnesses to substitute earlier witnesses. However, the said applications were dismissed by the Impugned Order.

9. This Court has considered the submissions of learned counsel for the Appellant. In the facts and circumstances of the present case, this Court is of the view that the Appellant-Wife deserves an opportunity to produce her father and her daughter to corroborate her case.

10. It is noted here that cross-examination of the Appellant-Wife was completed only on 09.05.2025 and on the very next date of hearing, i.e., 24.05.2025, the affidavit of Appellant's father was tendered in evidence. Though there is some delay, however, proper opportunity is required to be granted to the Respondent therein (Appellant herein) to prove her case.

11. Keeping in view the aforesaid facts and circumstances, the Impugned Order dated 17.10.2025 is modified to the following extent:

- i. On 15.11.2025, i.e., the next date of hearing before the learned Family Court, the Appellant-Wife will bring her father (RW-2) as well as her daughter for recording their statements. It shall also be the responsibility of the Appellant-Wife to inform the learned counsel for the Respondent-Husband in advance about

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this Order to enable him to come prepared for cross-examination of witnesses.

ii. The Appellant-Wife shall only be granted two effective opportunities to conclude her evidence, and that also within the month of November, 2025.

iii. It is expected that the learned Family Court while permitting the cross-examination of the witnesses will allow the Respondents to cross-examine the witnesses by putting relevant questions.

12. With these observations, the Impugned Order stands modified, however, the Respondent-Husband will have liberty to file an application for modification, if so advised.

13. Copy of this Order be given *dasti* under signatures of Court Master.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 12, 2025/rk/rou

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