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

+ **CM(M) 244/2026 & CM APPL. 6594/2026**

AYUSHI KHANDELWAL

.....Petitioner

Through: Mr. P. Banerjee, Ms. Arpita Rai and
Ms. Aditi Singh Beniwal, Advocates.

versus

JAY GUPTA

.....Respondent

Through: Ms. Malavika Rajkotia, Mr. Ramakant
Sharma and Ms. Trisha Gupta,
Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.01.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 6592-93/2026 (Exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

CM(M) 244/2026 & CM APPL. 6594/2026

3. The present petition under Article 227 of the Constitution of India, 1950, seeks following prayers:-

“a) Set aside the impugned order dated 04.10.2025 passed by the Ld. Judge, Family Court-01, South, Saket Courts in HMA 1831/2022;

b) Allow the Appellant's application under Order XVIII Rule 17 and Order XVI Rule 2 CPC for:

i) recall of the Respondent/petitioner for further cross-examination;

ii) discovery and production of relevant documents;

iii) permission to summon and examine the additional witness referred to in the application;

Pass any other or further orders as this Hon'ble Court may deem fit in the interests of justice.”



4. *Vide* the impugned order dated 04.10.2025, learned Judge, Family Court-01, South, Saket Court, New Delhi, had dismissed the application under Order XVIII Rule 17 and Order XVI Rule 2 of the CPC recalling the respondent (PW-1) for further cross-examination on discovery of documents. The aforesaid application was preferred by the petitioner on the ground that she had recently come in possession of certain photographs from the social media platform of the respondent with another lady. It is submitted that the necessary averments that the respondent was involved in an extra-marital affair had been made in the written statement filed on behalf of the petitioner as well as in the aforesaid application.

5. During the course of the arguments, learned counsel for the petitioner submits that he is not pressing for summoning of Ms. 'G.K.' as an additional witness.

6. Learned counsel appearing on behalf of the respondent, who appears on an advance notice, submits that the matter is fixed for final arguments before the learned Family Court, and the application moved on behalf of the petitioner is to delay the final arguments. It is further submitted that, in case, the respondent is recalled as PW-1, he should also be allowed to cross-examine the petitioner with respect to said photographs as the case of the respondent is that the photographs are cropped.

7. In view of the above, the present petition is disposed of with the following directions:-

- (i) Parties shall appear before the learned Family Court on 05.02.2026 for further cross-examination;
- (ii) Petitioner shall furnish a fresh affidavit of evidence with respect



to the averments made in the aforesaid application preferred on her behalf;

(iii) The petitioner shall remain present before learned Family Court for her cross-examination by the respondent;

(iv) Respondent/PW-1 shall also appear before the learned Family Court on the aforesaid date for his further cross-examination;

(v) It is made clear that the cross-examination of the parties will be limited to the issues raised in the application filed on behalf of the petitioner, and no further opportunity shall be given for further cross-examination.

8. Pending application(s), if any, also stand disposed of accordingly.
9. Copy of the order be sent to the concerned learned Family Court-01, South, Saket Court, New Delhi, for necessary information and compliance.
10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

JANUARY 30, 2026/sn/ns