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

+ **CM(M) 438/2025**

ABHISHEK GUPTA

.....Petitioner

Through: Mr. Sandeep Sharma, Sr. Adv. with
Mr. Hunny Singh, Mr. Prateek
Goswami, Ms. Yamini & Ms. Priya
Chauhan, Adv.

versus

PRIYANKA LUTHRA

.....Respondent

Through: Mr. Vaibhav Shah, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

30.01.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 227 of the Constitution of India, 1950, seeks the following prayers:-

“a) Allow the present petition and set aside the impugned order dated 20.01.2025 passed by the Ld. Principal Judge, Family Court, North District, Rohini Court, New Delhi in HMA No. 1262/2019 titled as “Abhishek Gupta vs. Priyanka”;

b) Allow the Petitioner/Husband’s application under order 7 rule 14 of CPC r/w section 151 CPC and section 10 of Family Courts Act for and on behalf of the Petitioner for taking on record CD containing voice recording alongwith its transcription;

c) Allow the Petitioner/Husband’s application under order 18 rule 4(1B) of CPC r/w section 151 CPC r/w section 10 of Family Courts Act for recalling Petitioner evidence, leading additional evidence of PW-1 and seeking permission to examine PW-2 Sh. B.K. Gupta;



leading additional evidence of PW-1 and seeking permission to examine PW-2 Sh. B.K. Gupta;

d) Set aside the cost of Rs.10,000/- imposed upon the Appellant;

e) Pass any other order(s) which this Hon'ble Court may deem fit and proper in the interest of justice.”

3. *Vide* impugned order dated 20.01.2025, the application under Order 7 Rule 14 of the CPC preferred by the petitioner to bring on record a CD was dismissed by the learned Family Court.

4. Learned Senior Counsel appearing on behalf of the petitioner submits that post the passing of the impugned order, the CD has been brought on record during cross-examination of RW-2, Shri Vinay Kumar Luthra, father of the respondent. It is also pointed out that the said CD was also put to the respondent in her cross-examination who was examined as RW-1.

5. Learned counsel appearing on behalf of the respondent confirms the aforesaid fact and submits that during recording of evidence before the local commissioner objections to the CD were taken and they were kept open to be decided by the concerned Family Court.

6. In the aforesaid circumstances, since the CD has already come on record, the present petition is disposed of with direction that the observations made in the order dated 20.01.2025 will not come in the way of final adjudication with respect to admissibility or authenticity of the CD.

7. The present petition is disposed of accordingly.

8. All the rights and contentions of the parties are left open.

AMIT SHARMA, J

JANUARY 30, 2026/nk