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

+ **CM(M) 876/2026**

RAVEE SINGH JODHKA @ BHUPINDER KAUR

.....Petitioner

Through: Mr. Mahesh K. Chaudhary, Adv.
versus

RAJVINDER SINGH JODHKA

.....Respondent

Through: Mr. Rajiv Dewan, Mr. Angad Singh,
Mr. Manoj Kumar, Mr. Rawnak
Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **20.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 25711/2026 Exemption

2. Allowed, subject to all just exceptions. The application is disposed of.

CM(M) 876/2026

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

“a) To set aside the Impugned Order dated 30.03.2026 passed by the Ld. Judge, Family Court-02, South East District, Saket Courts, New Delhi, in furtherance of the Orders dated 07.02.2026 and 06.03.2026, in H.M.A Petition No. 1860 of 2019;

b) Direct and allow the Petitioner herein to complete the cross-examination of PW-1 (Respondent herein) in the proceedings pending before the Ld. Judge, Family Court-02, South East District, Saket Courts, New Delhi in H.M.A Petition No. 1860 of 2019;

c) Issue any other order(s), direction(s), or writ(s) as this



Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

4. *Vide* impugned order dated 30.03.2026, the learned Family Court passed the following order, which reads as under: -

“The matter is at the stage of cross-examination of Pw-2 before the Court Commissioner However, PW-2 never appeared for examination and cross-examination before Court Commissioner.

It is submitted by Ld. Counsel for petitioner that an application has been filed by the petitioner seeking modification of order dated 06.03.2026. Reply to the application filed which is taken on record.

The petitioner did not appear before the court commissioner.

Both the parties are directed to appear before Court Commissioner for examination and cross-examination of PW-2 on 13.04.2026.

Further, the learned Court Commissioner is directed to appear before the court and continue recording of evidence the same is stayed by this court. To come up on report of Court Commissioner on **06.07.2026.**”

5. A perusal of the record would reflect that the opportunity of further cross-examination of PW-1 was closed by the learned Family Court *vide* order dated 07.02.2026. It is further noted that on 27.01.2026, learned Local Commissioner after recording evidence noted as under: -

“The evidence for PW- 1 is conducted as per the direction of this Hon'ble Court dated 29, 1 1.2025 whereby the respondent was given **maximum two more sessions of two hours each are given to the respondent to conclude the cross examination of the petitioner between 02:00 pm. to 4:00 pm.** in compliance of the stud order the two sessions were conducted on 21.01.2026 and 27.01.2026 for two hours each.



According to the Ld, Counsel for the respondent he still submits that the sessions have been conducted but not concluded as per him.”

6. Accordingly, the matter was put up before the learned Family Court on 28.01.2026, whereby the learned Family Court directed the parties to appear before the learned Court Commissioner for recording the testimony of PW-2. Thereafter, an application was preferred by the petitioner seeking rectification / modification of the aforesaid order dated 28.01.2026, reply to the same was filed on behalf of the respondent and the learned Family Court passed the following order on 07.02.2026: -

“Record perused.

As per report dated 27.01.2026 filed by the Court Commissioner, the cross-examination of the petitioner (PW-1) could not be concluded. The aforesaid report reveals that last two sessions of two hours granted vide order dated 14.10.2025 to the respondent for cross-examination of the petitioner (PW-1) were conducted by the Court Commissioner successfully but according to the counsel for the respondent the cross-examination was not concluded.

Perusal of the records shows that vide order dated 23.10.2024 passed by the learned Predecessor for recording of testimony of petitioner (PW-1), the testimony was to be completed in maximum three sessions of two hours each excluding time taken in recording of examination of chief. Thereafter, on repeated requis of the respondent, vide order dated 30.07.2025 and 04.10.2025, three more sessions of two hours were granted to the respondent to cross-examine the petitioner's witness. Further, vide order dated 04.10.2025, it was made clear to the respondent that no further sessions shall be given to the respondent to conclude the cross-examination of petitioner (PW-1).

Accordingly, evidence of PW-1 is concluded, without giving any further right to the respondent to cross-examine PW-1.



Both the parties and their respective counsels are directed to appear before the Court Commissioner for recording of evidence of PW-2 in terms of order dated 28.01.2026 to be concluded S before the next date.i.e. 06.03.2026.

Thereafter, Court Commissioner will fix the dates as per the convenience of both the counsel who will also co-operate in this regard.

Court Commissioner be notified in this regard.

The application under consideration is accordingly disposed off.

Copy of the order be given dasti to both the parties.

To come up on the date fixed.”

7. It is pertinent to note that both the orders dated 28.01.2026 and 07.02.2026, have not been challenged by the petitioner in the present petition. Be that as it may, the Court has perused the relevant records.

8. Learned counsel appearing on behalf of the respondent on advance notice has placed on record chronology of proceedings before the learned Local Commissioner, demonstrating that despite sufficient time given to the petitioner, he is not concluding the cross-examination and is delaying the proceedings by seeking repeated requests for extension of the cross-examination.

9. Learned counsel appearing on behalf of the petitioner submits that the cross-examination is an inherent legal right which has been denied by the orders passed by the learned Family Court. It is submitted that without the evidence of PW-1 being concluded the learned Family Court directed the evidence of PW-2 to be recorded. In these circumstances, it is submitted that legal right of the petitioner is being violated.



10. Heard the learned counsel for the parties and perused the records.
11. Learned counsel appearing on behalf of the respondent has placed on record chronology of events which was placed before the learned Family Court prior to its passing of the order dated 07.02.2026 which is reproduced thus: -

Date	Sessions Details	Proceedings/ Respondents conducted
19.11.2024	Deferred	Session deferred as Respondent moved an application for change of counsel.
26.11.2024	Chief & Tendering	Chief examination of PW-1 and tendering of documents concluded. Cross was further deferred as the Respondent moved an application for change of a previous counsel. The Ld. Local Commissioner further observed that “On repeated requests made to the respondent for complying with direction of this Hon’ble Court on 23.10.2024 their seems to be resistance in appointing a new counsel on behalf of the Respondent”.
23.01.2025	Absent	Respondent failed to attend, citing illness via WhatsApp. No response was given to the LC’s calls or messages, and no medical documents were provided while the Petitioner & Ld. Local Commissioner waited till 2:30 PM.
31.01.2025	Absent	Respondent remained absent. The Court noted that medical prescriptions were still not placed on record.



12.08.2025	Cross examination	The cross-examination of PW-1 was thoroughly conducted by the defence, running into 6 full pages and covering 14 detailed questions on key aspects.
29.10.2025	Cross examination	The cross-examination of PW-1 was thoroughly conducted by the defence, running into 10 full pages and covering 63 detailed questions on key aspects.
30.10.2025	Cross examination	The cross-examination of PW-1 was thoroughly conducted by the defence, running into 8 full pages and covering 59 detailed questions on key aspects.
29.11.2025	Application filed for Extension	Counsel for the Respondent filed an application seeking extension, this Hon'ble Court noted that several sessions had already been granted to the Respondent to conclude the cross-examination of the Petitioner. However, as a matter of last indulgence, the Court granted a maximum of two further sessions of two hours each for the said purpose, with a specific observation that no further sessions shall be granted to the Respondent for concluding the cross-examination of the Petitioner on any ground whatsoever.
21.01.2026	Cross examination	The cross-examination of PW-1 was thoroughly conducted by the defence, running into 8 full pages and covering 45 detailed questions on key aspects.



27.01.2026	Cross examination	The cross-examination of PW-1 was thoroughly conducted by the defence, running into 10 full pages and covering 62 detailed questions on key aspects.
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Thus, from the abovementioned table it is clear that Respondent availed 5 different opportunities for Cross Examination of the Petitioner which is spanning over 42 pages and 243 questions, as recorded by the Local Commissioner.”

12. A perusal of the aforesaid material would reflect that despite repeated opportunities being given to the petitioner to conclude the cross-examination, the same was not done. It further reflects that *vide* order dated 23.10.2024, the learned Family Court had given necessary directions of recording the testimony of PW-1, which was to be completed in maximum 3 sessions of 2 hours each excluding time taken on recording of the chief. It is further noted that thereafter, on repeated requests of the respondent, three more sessions of two hours were granted to the respondent to cross-examine the PW-1. On 04.10.2025, it was also made clear to the petitioner that no further sessions will be given to the respondent to conclude the cross-examination of petitioner / (PW-1).

13. In the considered opinion of this Court, this Court finds that the opportunity to cross-examine PW-1 has not been denied and sufficient time has been taken by the petitioner to cross-examine the witnesses.

14. In these circumstances, this Court finds no grounds to entertain the present petition.

15. The present petition is dismissed and disposed of with the aforesaid directions.



16. Pending application(s), if any, also stand disposed of.
17. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 20, 2026/kr/ah