

Puneet Gupta vs Divya Gupta on 11 February, 2019

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CM(M) 1393/2018
PUNEET GUPTA

..... Petitioner

Through : Mr.Osama Suhail and Ms.Saba
Sattar, Advocates

versus

DIVYA GUPTA

..... Respondent

Through : Mr.Nadeem Qureshi and Mr.Amit
Yadav, Advocates

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 11.02.2019 This petition is filed by the petitioner herein to direct the learned Principal Judge, Family Court, New Delhi to dispose of the petition under Section 13 (1)(ia) of Hindu Marriage Act, 1955 preferably within three months. However, learned counsel for the respondent says though the issues were framed on 25 th March, 2015 but the evidence affidavit of the petitioner was filed only in January, 2019, hence he cannot claim there was a delay on the part of the respondent. Nevertheless the learned counsel for the petitioner has pointed out to the conduct of the respondent as noted down by learned Principal judge in various orders, some of which are dated 19.07.2016, 17.11.2016, 17.04.2017, 16.05.2017, 05.06.2017 wherein the proceedings were disrupted by the respondent herein. It is submitted that on each and every date of hearing the respondent has been filing misleading applications and has kept the evidence at bay and it would be appropriate if a Local Commissioner is appointed to record the evidence of the parties and the applications, if any, filed by the respondent or the petitioner be dealt with by the Court concerned.

In the circumstances, as requested by the petitioner the learned trial court to appoint a Local Commissioner at the cost of the petitioner herein for recording evidence. The respondent says he has no objection to the same. The time limit before the learned Local Commissioner may also be fixed by learned trial court. The applications, if any, filed by the parties be disposed of by the Court in the meanwhile. The parties are directed to appear before the learned trial court on 18.02.2019.

The petition stands disposed of in terms of above.

YOGESH KHANNA, J.

FEBRUARY 11, 2019 VLD