



2025:DHC:6475



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

% *Date of Decision: 04th August, 2025*

+ CM(M) 1433/2025, CM APPL. 47062/2025 & CM APPL. 47063/2025
MANVI HORAPetitioner

Through: Mr. Uttam Datt, Sr. Advocate with Mr. Vikas Rohtagi, Ms. Sonakshi Singh, Mr. Neeraj Singh, Mr. Kumar Bhaskar, Ms. Aastha Vashist, Advocates.

versus

ABHINAV BATRARespondent

Through: Mr. Prashant Mendiratta, Ms. Neha J., Ms. Somyashree, Mr. Shubhashish Sharma, Mr. Chaitanya Girdhar and Ms. Avni Soni, Advocates along with respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a divorce petition filed by her husband.
2. During the pendency of the abovesaid divorce petition, the learned Principal Judge, Family Court appointed a Local Commissioner, who is a retired District and Sessions Judge, for the purposes of recording of evidence of both the parties.
3. The husband agreed to bear the entire expenditure towards such commission.
4. It seems that the petitioner-wife wants her evidence to be recorded before the Court, instead of by learned Local Commissioner and it is in the abovesaid backdrop that the present petition has been filed.
5. It is also noticed that when the matter was to be taken up by the learned Local Commissioner for recording of deposition, her counsel did not appear



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before the learned Local Commissioner for cross-examination of her husband and, resultantly, the cross-examination has been directed to be deemed as closed in terms of order dated 17.05.2025 passed by learned Principal Judge, Family Court.

6. There is also a direction by the learned Principal Judge, Family Court to produce minor child of the parties before it today itself at 2:00 P.M.

7. Such orders are under challenge.

8. Mr. Prashant Mendiratta, learned counsel for respondent appears on advance notice.

9. After having heard learned Senior Counsel for the petitioner and Mr. Prashant Mendiratta, learned counsel for respondent at considerable length, this Court does not find any merit in the present petition so far as it relates to get the evidence recorded before the learned Principal Judge, Family Court, instead of before learned Local Commissioner.

10. Ideally speaking, the learned Counsel for the petitioner-wife should have made himself available for requisite cross-examination of the husband, particularly when the entire expenditure of such Commission was being borne by the husband.

11. Learned Senior Counsel for petitioner, during course of the arguments, assured that petitioner would give requisite assistance and cooperation to the learned Local Commissioner. It is in the abovesaid backdrop that he prays that, at least, one opportunity may be granted to her to cross-examine her husband. Learned Senior Counsel for petitioner also submits that the interaction with the child is slated for today at 2:00 P.M., as per instructions, such child would be produced before the learned Principal Judge, Family Court for requisite interaction on 08.08.2025 at 2:00 P.M. He prays for relief,



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to the above extent.

12. The interaction with the child is not happening for quite some time and learned Principal Judge, Family Court has also given observation in this regard as would be reflective from orders dated 01.04.2025 and 30.05.2025.

13. Let the child be, accordingly, brought to the Court of learned Principal Judge, Family Court on 08.08.2025 at 2:00 P.M. for requisite interaction by the Court.

14. The petitioner is also permitted to cross-examine her husband and in this regard, she would move appropriate application before the learned Principal Judge, Family Court so that a date for such cross-examination is fixed by learned Principal Judge, Family Court.

15. Since the matter is already fixed before the learned Principal Judge, Family Court today itself at 2:00 P.M, ideally, a request to that effect be made today itself so that there is no further delay in the matter.

16. Needless to emphasise, based on such interaction, if learned Principal Judge, Family Court modifies the order on visitation, the aggrieved party would be at liberty to challenge the abovesaid order by taking recourse to judicial remedy, as available under law.

17. The petition stands disposed of in aforesaid terms.

18. The pending applications also stand disposed of.

**(MANOJ JAIN)
JUDGE**

AUGUST 4, 2025/ss/js