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

% ***Date of Decision: 07th August, 2025***

+ CM(M) 1465/2025 & CM APPL. 48305-48306/2025
NITIKA GUPTA

.....Petitioner

Through: Mr. Karunesh Tandon, Advocate.

versus

SATYA DEV GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a custody case filed by her parents-in-law whereby they are seeking custody of their grand-daughter.
2. The Court has seen orders which are under challenge i.e. orders dated 17.04.2025 and 15.05.2025.
3. During course of arguments, learned counsel for petitioner has restricted his request to one point.
4. He submits that, though, there was insistence from the side of petitioner (mother of the child in question) to have *amended memo of parties* to be placed on record and, thereafter, to further cross-examine them, learned counsel for petitioner now realizes that the situation could have been averted and petitioner herein should have rather cross examined the concerned witness i.e. PW-1/Mr. Satya Dev Gupta (respondent herein), without insisting for *amended memo of parties* to be first taken on record.
5. The requirement of *amended memo of parties* arose because of the fact



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that Ms. Sudha Gupta, who was petitioner No.2 in such custody case, had expired, in the interregnum.

6. Learned counsel for petitioner herein submits that learned Principal Judge, Family Court has, on such insistence and adamancy being shown by her, has closed her right to cross-examine the abovesaid witness and if she is not permitted to further cross-examine him, it might result in serious prejudice to her defence.

7. None appears on behalf of respondent despite advance notice.

8. The due intimation was also sent to the concerned counsel by the learned Counsel for the petitioner as well as by the Court Master of this Court.

9. However, since a very short point is involved, this Court does not find any requirement of adjourning the matter.

10. The next date before the learned Principal Judge, Family Court is stated to be 14th instant and since it is apprised that the *amended memo of parties* is already on record, the present petition is disposed of with the direction that the learned Trial Court shall grant one last opportunity to the petitioner herein i.e. Ms. Nitika Gupta to further cross-examine PW-1/ Mr.Satya Dev Gupta.

11. It is, however, clarified that the petitioner herein would be entitled to only one opportunity in this regard.

12. The custody of the child in question is with the mother only and the date of birth of the child in question is 16.03.2009. Since she would be turning major in less than two years, this Court expects that both the sides would render their best cooperation and assistance to the learned Principal Judge, Family Court so that the petition filed under Section 25 of Guardians and Wards Act, 1890 is disposed of without any further delay.

13. Present petition stands disposed of in aforesaid terms.



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14. Pending applications also stand disposed of in aforesaid terms.
15. Order *Dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 7, 2025/sw/JS