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

% ***Date of Decision: 14th July, 2025***

+ CM(M) 2026/2023 & CM APPL. 63602/2023

SONIA MARWAH

.....Petitioner

Through: Mr. Sanju Francis, Ms. Jobina Jacob
and Ms. Smrithi V.S., Advocates

versus

ROHIT MARWAH & ANR.

.....Respondent

Through: Mr. Prashant Mendiratta, Ms.
Somyashree, Ms. Neha Jain, Mr.
Arjun Sharma and Ms. Sneha Mathew,
Advocates for R-1

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending a *divorce petition* which has been filed on the ground of cruelty as well as on the ground of adultery.
2. Petitioner sought rejection of the *divorce petition* on the ground that petition was not disclosing anything which may constitute adultery.
3. The learned Trial Court, however, dismissed such application moved by the petitioner under Order VII Rule 11 CPC and that is how the present petition has been filed.
4. After hearing arguments for some time, learned counsel for petitioner, without prejudice to his rights and contentions, does not press the present petition with respect to the aspect related to rejection of plaint. He, however, submits that the learned Trial Court may be requested not to be influenced with the observations appearing in the impugned order and the issue of



adultery be answered in terms of the evidence to be led by the respective parties.

5. Needless to say, such issue shall be decided by the learned Trial Court as per the evidence adduced by the parties and in view of the above, the present petition, so far as it relates to aspect of the rejection of the plaint is concerned, is disposed of as not pressed.

6. The second aspect involved in the present petition is the direction given by learned Trial Court to record evidence by Commission.

7. Learned counsel for petitioner submits that the allegations made by respondent herein are sensitive in nature and it will be, therefore, appropriate if the evidence is, rather, recorded by the learned Trial Court itself.

8. This Court has also gone through the averments appearing in the petition and the corresponding stand taken in the written statement.

9. Respondent has also strongly relied upon electronic evidence as according to him, the alleged act of physical relationship and consequent adultery has been captured through camera installed in the bedroom of the house.

10. Mr. Prashant Mendiratta, learned counsel for respondent No. 1 leaves to this Court to pass appropriate direction. He, however, submits that if the learned Trial Court is directed to record the evidence, let there be a time-bound direction to which even Mr. Sanju Francis, learned counsel for petitioner herein has no objection.

11. Keeping in mind the overall facts of the case, let the evidence be, instead, recorded by the learned Trial Court itself.

12. Since petition was filed way back in the year 2019, learned Trial Court would make best endeavour to complete the trial on or before 01.12.2025.



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13. Needless to emphasize, learned counsel for the parties and the parties would render due assistance and co-operation in this regard to the learned Trial Court so that the learned Trial Court is in a position to achieve the aforesaid time-bound direction given by this Court.
14. Petition stands disposed of in the aforesaid terms.
15. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 14, 2025/dr/js