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

% *Date of Decision: 17th July, 2025*

+ CM(M) 1248/2025, CM APPL. 41971/2025 & CM APPL.
41972/2025

SONI GUPTA

.....Petitioner

Through: Mr. S.S. Panwar, Ms. Nividita
Panwar, Mr. Ravi Panwar, Ms. S.D.
Baloni, Mr. N. Kishore and Ms.
Meenakshi Sharma, Advocates

versus

GAURAV GARG

.....Respondent

Through: None

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. After completion of pleadings and framing of issues, a Local Commissioner was appointed and evidence is being recorded by learned Local Commissioner.
3. As per terms of appointment of Local Commissioner, the entire expenditure with respect to such Commission is to be borne by the husband (respondent herein).
4. Since his cross-examination kept going for quite some time and was partly conducted on seven previous dates, eventually, the learned Judge, Family Court directed the petitioner herein to conclude such cross-examination in two dates, instead of three dates, as requested by the petitioner. The wife has also been asked to bear further expenditure of



Commission as trial is getting pushed and overextended by her.

5. Such order is under challenge.

6. During course of arguments, Mr. S.S. Panwar, learned counsel for petitioner submitted that he would conclude the cross-examination within the aforesaid two dates before the learned Local Commissioner and also submits that though it was not warranted, the wife would bear the cost of Local Commissioner for said two dates as well.

7. He, however, contends that application filed by the wife under Section 24 of Hindu Marriage Act, 1955 is yet not decided and, initially, the husband had agreed to bear the entire expenditure of the Commission and merely because his cross-examination has stretched, which was though without any *malafide* intention, further expenditure towards such Commission should not have been put on to the wife, who has not yet been granted any maintenance, even.

8. As per the impugned order, the wife has also been directed to bear the expenditure of Commission for the purposes of her own evidence.

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

10. However, keeping in mind the short point involved and the fact that next date before the learned Local Commissioner is 26th instant, the present petition is disposed of with request to learned Judge, Family Court to re-consider the aspect of bearing expenditure of the Commission for the remaining evidence of husband (barring the aforesaid two dates of cross-examination) and evidence to be led by the wife before the learned Local Commissioner. This assumes importance, particularly, in view of the fact that her application whereby she is seeking maintenance has not been decided and without there being any such decision over her right to seek



maintenance, it does not look appropriate to burden her with the expenditure towards the fee of Local Commissioner which is Rs. 10,000/- for each sitting.

11. Petitioner is directed to move application in this regard before the learned Judge, Family Court within one week from today.

12. Petition stands disposed of in the aforesaid terms.

13. Pending applications are also disposed of in the aforesaid terms.

14. A copy of this order be given *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

JULY 17, 2025/dr/shs