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

+ **MAT.APP.(F.C.).7/2015**

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Judgment dated 24th September, 2015

DEEPTI KHANNA KUMAR

..... Appellant

Through : Mr. P.D.P. Deo, Advocate for the
appellant along with appellant in person.

versus

MAJOR GAUTAM KUMAR

..... Respondent

Through : Ms. Nandita Abrol, Advocate for the
respondent along with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. The present appeal is directed against the order dated 11.12.2014 passed by the Principal Judge(North-West), Family Court, Rohini. Counsel for the appellant submits that the order is arbitrary and the Family Court has exceeded its jurisdiction by granting leave to the respondent under Section 14 of the Hindu Marriage Act, 1955. Petitioner is also aggrieved by the observations made by the Family Court in the impugned order.
2. Learned counsel for the respondent submits that the present appeal has become infructuous for the reasons that the period of one year has already elapsed and no leave under Section 14 of the Hindu Marriage Act would be required. At this stage, the learned counsel for the appellant submits that

while passing the order, the Principal Judge has made certain observations in the order without any basis and without any document which would adversely affect the rights of the appellant.

3. Having heard to the learned counsel for the parties, we dispose of the appeal with the following direction:

- (i) The Family Court will consider the divorce petition filed by the appellant in accordance with law, unaffected by any observations made by the Family Court in the order dated 11.12.2014, which would be treated as observations made for the purposes of deciding the application filed under Section 14 of the Hindu Marriage Act.

4. With these observations, the appeal stands disposed of.

CM.APPL 1360/2015(stay)

5. Since the present appeal has been disposed of, the application also stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 24, 2015

pst