

\$~21

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

+ W.P.(C) 30/2015

PALLAVI BHATT

..... Petitioner

Through: Mr Sanjay Sharma, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Bhagvan Swarup Shukla, CGSC with
Mr Vinod Kumar Tiwari, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **20.01.2015**

CM No. 1017/2015 (restoration)

1. Issue notice.
2. Mr Bhagvan Swarup Shukla accepts notice on behalf of respondent nos. 1 to 3. He waives service of notice. He says that he does not wish to file a reply to the captioned application.
3. This is an application seeking restoration of the writ petition which was dismissed for non-prosecution on 05.01.2015. It is averred that due to an emergent situation arising in the counsel's parental home, he had to leave town, and therefore, was unable to attend the case. The application is accompanied by an affidavit of the advocate, Mr Sanjay Sharma.
4. For the reasons given therein, the application is allowed. The order dated 05.01.2015, is recalled. The petition is restored to its original position and number.

WP(C) 30/2015

5. Issue notice.

6. Mr Bhagvan Swarup Shukla accepts notice on behalf of respondent nos. 1 to 3. He waives service of notice. In view of the order that I propose to pass, he does not wish to file a reply to the captioned petition.

7. The short grievance of the petitioner is that respondent no.5, who is the husband of the petitioner, has withheld the information with regard to his permanent address and the status of marriage. The petitioner has, in this regard, filed a complaint dated 16.09.2014 with the Secretary, Ministry of External Affairs, Government of India, New Delhi. The petitioner seeks disposal of the said complaint.

8. It may only be noted, that it is not disputed by the counsel for the petitioner that the marital relationship between the petitioner and respondent no.5, has turned sour. It appears that the petitioner has also lodged a police complaint against respondent no.5, on 24.07.2014, under Section 498A, 324, 406 of the Indian Penal Code, 1860, and under Section 3 and 4 of the Dowry Prohibition Act, 1961. I am informed that the investigation, in respect of the said complaint, is pending.

9. In the aforesaid circumstances, the official respondents are directed to dispose of the complaint dated 16.09.2014. However, while doing so, they will bear in mind the fact that marital relationship between the petitioner and respondent no.5 stands disrupted. Therefore, if the anomalies pointed out by the petitioner in her representation are otherwise curable, opportunity in that behalf will be given to respondent no.5; albeit after due satisfaction. In case, any information is required in that behalf, the official respondents will be

free to call upon the party concerned by way of a written notice .
However, no order will be passed against respondent no.5, without appropriate opportunity being given to him of being heard in the matter. The decision taken, will be duly communicated to both the petitioner, as also, respondent no.5.

10. The writ petition is, accordingly, disposed of.

11. The registry will dispatch a copy of this order to respondent no.5, without insistence on process fee.

RAJIV SHAKDHER, J

JANUARY 20, 2015

kk