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

+ **MAT.APP.(F.C.) 3/2016**

SHIKHA BHATNAGAR @ SHIKHA SINGH Appellant

Through : Mr.Somnath De, Adv.

versus

ARUN BHATNAGAR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **06.01.2016**

CM APPL. 356/2016

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

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3. This is an application filed by appellant seeking condonation of two days' delay in filing the present appeal.
4. Heard. For the reasons stated in the application and in the interest of justice, present application is allowed. Delay in filing the present appeal is condoned. Let appeal be taken on record.
5. Application stands disposed of.

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6. Challenge in this appeal is to the order dated 24.11.2015 passed by the Family court in GP No.85/2014 by which an application filed under Order VII Rule 11 of the Code of Civil Procedure filed by appellant herein (respondent before the Family Court), was rejected by the Family Court.

7. Learned counsel for the appellant submits that the Family Court has failed to pass a reasoned order and also failed to notice the submissions made by the appellant herein in the impugned order. Counsel further submits that the Family Court should be directed to decide the application under Order VII Rule 11 filed by the appellant on merits and by passing a reasoned order.
8. We have heard learned counsel for the appellant and also examined the impugned order dated 24.11.2015 passed by the Family Court. We find that the Family Court has dismissed the application filed of the appellant herein under Order VII Rule 11 CPC on the ground that “*Since the territorial jurisdiction is a mixed question of fact and law, the same cannot be considered in the application under Order 7 Rule 11 CPC.*” We also find that the impugned order has not noticed any of the submissions made by counsel for the appellant, neither the order reflects how the submissions of the appellant have been dealt with.
9. Without expressing any opinion on the merit of the matter, we deem it appropriate to set aside the impugned order dated 24.11.2015 and remand the matter back to the Family Court for fresh hearing. Ordered accordingly.
10. Appeal stands disposed of in view of above.

CM APPL. 355/2016 (For calling records)

11. Application stands disposed of in view of above.
12. DASTI.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 06, 2016

msr /

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