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

+ **MAT.APP.(F.C.) 51/2016**

VANDANA MEHTA

..... Appellant

Represented by: **Mr.Jai Bansal, Advocate with
Mr.Varun Aggarwal, Advocate**

versus

BHARAT MEHTA

..... Respondent

Represented by: **None**

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **08.08.2016**

CM No.14014/2016

For the reasons stated in the application delay in filing the appeal is condoned.

Application is disposed of.

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1. It is a strange case. The appellant was the petitioner in HMA 437/2011. She invoked Section 13(1)(ia)(ib) of the Hindu Marriage Act, 1955. The respondent remained ex-parte. Ex-parte evidence was led by the appellant. She succeeded. The appellant now files the appeal pleading fraud played upon her by her father-in-law. Her husband was missing. The appellant claims that her father-in-law obtained her signatures on some

blank papers. The same were apparently used to file the petition, depose affidavits in support and also the affidavit by way of evidence led ex-parte. The appellant was also makes allegations against Mr.O.P.Sharma, Advocate.

2. Learned counsel for the appellant states that the appeal may be permitted to be withdrawn observing that if the appellant were to file an application before the learned Family Court pleading fraud the same shall be decided as per law.

3. In view of the decision reported as AIR 1996 SC 2592 Indian Bank Vs. Satyam Fibres (India) Pvt. Ltd. if a party alleges fraud in a decree passed against it, and this would include even a decree in favour of the party, the learned Court of Original Jurisdiction has the power to look into the matter and pass appropriate orders.

4. Dismissing the appeal as withdrawn we simply observe that if the appellant were to file an application before the learned Family Court which has passed the impugned decree pleading fraud being played upon her and she not being aware that she is seeking annulment of the marriage, the learned Judge shall take cognizance of the same and decide the application as per law.

5. No costs.

CM Nos.14012/2016 & 14013/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 08, 2016

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