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

+ **MAT.APP.(F.C.) 88/2014**

AMIT CHAUDHARY

..... Appellant

Represented by: **Mr.Sudhir Kumar Tewatia,**
Advocate with appellant in
person

versus

SONIA

..... Respondent

Represented by: **Mr.Vivek Srivastava, Advocate**
with **Ms.Meera Murali,**
Advocate with respondent in
person.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.10.2016

1. Impugned judgment spanning 33 and a quarter page notes the rival versions of the parties through their pleadings in first 23 pages. On the 24th page, after noting the two issues settled, the testimony of the witnesses is recorded perfunctorily without adverting to the essential features of the testimony of the witnesses. This takes the judgment to the 26th page wherein discussion of the law concerning cruelty commences and terminates on page 30. In a very perfunctory manner in two pages contentions advanced by learned counsel are noted without highlighting the contentions with reference to the pleadings and the testimony of the witnesses. This takes the decision to the first quarter of the 32nd page. Thereafter in two pages an

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opinion is recorded by the learned Judge sans discussing the pleadings and the evidence.

2. Faced as aforesaid, learned counsel concedes that after setting aside the impugned judgment dated March 27, 2014, HMA No.248/2010 filed by the appellant be restored on the file of learned Judge, Family Courts, Dwarka, New Delhi with a direction to decide the same after hearing arguments and dealing with as also discussing the evidence led by the parties.

3. The appeal is disposed of setting aside the impugned order dated March 27, 2014. HMA 248/2010 is restored on the file of the learned Judge, Family Court, Dwarka, New Delhi for adjudication afresh after hearing arguments.

4. Parties shall appear before the learned Judge, Family Court, Dwarka, New Delhi on October 24, 2016 when HMA No.248/2010 would be listed for directions before learned Judge, Family Court, Dwarka, New Delhi. The decision would be pronounced by the learned Judge, Family Court, within two months reckoned from October 24, 2016.

5. TCR along with a copy of this order be returned to the learned Family Court, Dwarka, New Delhi within a week from today.

6. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 04, 2016

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