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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1085/2016
AKSHAY BERRY

..... Petitioner
Through Mr.Manish Gandhi and Mr.Hemant
Verma along with petitioner in
person.

versus

MASUM SAINI

..... Respondent
Through Mrs.Ekta Sikri and Mr.Junaid Nahvi,
Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **25.10.2016**
Cav Nos.921-22/2016

Respondent has put in appearance. Caveats stand discharge.
Disposed of accordingly.

C.M. No.39801/2016 (exemption)

Exemption is allowed subject to just exceptions. Application
disposed of.

CM(M) 1085/2016 & C.M. No.39800/2016

Parties are present in person. Petitioner/Akshay Berry has
impugned the order dated 20.9.2016.

In the course of arguments addressed before this Court, the
parties pray that the petition which has been filed by the respondent

(Dr.Masum Saini) under Section 12 (1)(a) of the Hindu Marriage Act seeking annulment of marriage be decreed.

The grounds in the petition have been perused.

The parties had been married on 08.12.2013 at Tivoli Daffodil, Tania Farm Complex, Chattarpur Mandir Road, Mehrauli, New Delhi. Parties lived together till 01.10.2014. The marriage, however, could not be consummated. The reasons for the non-consummation of the marriage are contained in the petition. Learned counsel for petitioner submits that without prejudice to his rights and contentions he has no objection to the averments made in the petition (under Section 12(1) (a) and if the matter is finally closed, he would not be contesting the petition. The parties have also agreed that the information contained in the pleadings shall not be passed on in public domain by either party. This undertaking of the parties is noted.

This Court has been informed that before the Family Judge a written statement has been filed by the petitioner (respondent in the Family Court). He had initially contested the petition and the matter has now been fixed for evidence. The cross-examination of PW-1 (wife) was under progress at the time when the impugned order was passed.

The parties have no claim against one another. The non-applicant/wife is not making any monetary claim; she has neither made it in the past and nor does she stake any claim on the movable or immovable properties of the petitioner husband. Vice-versa, the husband also has no claim over the properties both movable and immovable of the non-applicant wife.

Apart from the present proceedings, there are no other inter se proceedings pending between the parties.

This Court accordingly feels that this is a fit case where a decree of the annulment of the marriage of the parties should be granted in favour of the petitioner wife. The marriage between the parties dated 08.12.2013 is annulled by a decree of nullity. Proceedings under Section 12 (1)(a) of the Hindu Marriage Act initiated by Dr.Masum Saini before the Family Judge will come to a close. Decree sheet be drawn up by the Family Court.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

OCTOBER 25, 2016
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