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

+ CM(M) 1311/2016 and CM Nos. 47008-09/2016

ALKA BHASIN

..... Petitioner

Through Mr.Sanjeev Sahay and Mr.Aditya
Sharma, Advocates

versus

SANJAY BHASIN

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

20.12.2016

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1. The petitioner is aggrieved by the order dated 17.12.2016 of the Family Court which did not grant any ad interim injunction or extend the injunction order dated 30.11.2016.
2. The petitioner has filed an Anti Suit for declaration and permanent injunction to restrain the respondent from proceeding with the divorce proceedings initiated by him in Case No. 2016-04207 before the Court of Common Pleas In And For The County of Montgomery County, Pennsylvania, Family Court Division titled as Sanjay Bhasin vs. Alka Bhasin.
3. Learned counsel appearing for the petitioner relies upon the order of the Family Court dated 30.11.2016 wherein it was recorded that the parties have agreed to seek adjournment for 14 days in the petition for divorce filed

before the Family Court, USA and in the meantime, the parties were referred to the Mediation Centre. He further submits that the mediation proceedings have failed. He submits that in view of the impugned order declining to grant any injunction/continue the interim orders passed on 30.11.2016, the respondent has now moved the US Court for no fault divorce and the petitioner apprehends that an ex parte divorce may be granted within a day or two keeping in mind the procedure followed in the courts there.

4. In my opinion, the petitioner has made out a prima facie case. Irreparable injury would be caused to the petitioner, in case an ex parte injunction is not granted. Accordingly, the respondent is restrained from proceeding further in the above noted proceedings filed before the US Court.

5. However this injunction is passed subject to further orders that the Family Court may pass after hearing the parties in the pending application. The respondent is free to move an appropriate application for vacation of this stay order before the Family Court. The Family Court would deal with the application/applications uninfluenced by any observations made by this court as per law.

6. With the above observations, the present petition stands disposed of.

7. All pending applications also stand disposed of.

8. Copy of the order be given dasti under the signatures of the Court Master.

JAYANT NATH, J

DECEMBER 20, 2016

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