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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAT.APP.(F.C.) 8/2017**

ANJALI GUPTA ..... Appellant  
Through: Mr. Sunil Kumar, Advocate

Versus

NAVEEN GOEL ..... Respondent  
Through: Ms. Shabnam Sheikh, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE HIMA KOHLI**  
**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**  
% **31.07.2017**

**CM APPL. No. 2451/2017 (condonation of delay)**

1. The present application has been filed by the appellant seeking condonation of delay of 90 days in filing the accompanying appeal under Section 19 of the Family Court. The appeal assails the judgment and decree dated 08.09.2016 passed by the learned Family Court allowing a joint petition filed by the appellant and the respondent under Section 13 B (2) of the Hindu Marriage Act, for seeking dissolution of marriage and grant of a decree of divorce.

2. The explanation offered by the appellant for seeking condonation of delay is that she was unaware of the technicalities of law; that the respondent no.1 has obtained a divorce on playing a fraud on her; that the respondent had

threatened her and she was forced into making a statement before the Family Court under “threat and intoxication”; that thereafter the appellant went into depression and went “out of mind”. Only after the appellant had recovered and realizing the gravity of situation, did she file the present appeal.

3. We may note on a perusal of the paper-book that on 15.7.2015, the appellant and the respondent had jointly filed a first motion under Section 13 B (1) of the Hindu Marriage Act. It was stated in the said petition that the parties had solemnised their marriage on 30.01.2015 and were living separately right from the date of their marriage. The said petition was allowed by an order dated 03.02.2016. While allowing the said petition, the Family Court had recorded the joint statement of the parties that their marriage was never consummated and they have been living separately from the date of their marriage due to temperamental differences. They had also stated that they had amicably settled all their claims and disputes related to their marriage with regard to *istridhan*, permanent *alimony* and maintenance etc, as per the terms mentioned in the said petition.

4. On 10.08.2016, a joint motion under Section 13B (2) was presented by the appellant and the respondent after expiry of six months reckoned from 3.2.2016. The said petition was taken up by the learned Family Court in the

presence of both the parties. The order dated 08.09.2016 specifically records that efforts for reconciliation were made by the learned Family Court by talking to both the parties, but were fruitless and that both the parties had jointly stated that there was no possibility of their residing together as they had made up their minds to seek dissolution of marriage. As a result, the statement of both the parties was recorded separately.

5. The appellant confirmed before the Family Court that she had received all the gold jewellery from the respondent. Thereafter, the impugned order came to be passed dissolving the marriage of the parties by granting a decree of divorce by mutual consent under Section 13B (2) of the Hindu Marriage Act.

6. In the aforesaid background, the contention of counsel for the appellant that the appellant was unaware of the legal nuances and the consequences of making such a statement before the Family Court, is un-acceptable; nor are we in a position to accept a bald averment to the effect that in all this duration, the appellant was under depression and therefore could not think properly. During the course of arguments, counsel for the appellant has been called upon to point out any documents filed along with the present application to demonstrate that the appellant was under depression/undergoing medical

treatment.

7. Learning counsel for the appellant concedes that no such medical record has been filed. Instead, he draws our attention to a complaint purportedly addressed by the appellant to the SHO of Police Station, Harsh Vihar, Delhi. The said document is un-dated and without any endorsement of receipt from the concerned police station.

8. In the given facts and circumstances, it has to be held that no just or sufficient reason has been offered for seeking condonation of delay of 90 days in filing the accompanying appeal. The present application is accordingly dismissed. As a result thereof, the appeal also stands dismissed.

**HIMA KOHLI, J**

**DEEPA SHARMA, J**

**JULY 31, 2017/P**