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

+ **MAT.APP.(F.C.) 4/2017**

SANGMESH JATTI

..... Appellant

Represented by: Mr.Sunil Mittal, Sr Advocate
instructed by Ms.Meghna
Katari, Advocate.

versus

RUCHIKA BATRA JATTI

..... Respondent

Represented by: Mr.Pradeep Norula &
Ms.Urmila Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

01.02.2017

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1. Impugned order dated December 21, 2016 is ex-parte order passed on the very first day when the suit and injunction application was listed before the learned Judge, Family Court.
2. We are surprised that learned Judge has allowed the application without putting the appellant to notice and without hearing the appellant.
3. Succinctly stated respondent had filed an anti injunction suit seeking to restrain the husband from continuing with the proceedings initiated by him before the learned Family Justice Court in the Republic of Singapore claiming the divorce.

4. The appellant was certainly entitled to be heard before the application for interim injunction was finally disposed. All issues concerning the domicile of the parties, issues concerning relief claimed by the appellant, and issues concerning the applicability of the personal law of the parties had to be adjudicated after hearing the appellant.

5. Since the impugned order has been passed without hearing the appellant and has finally allowed the application for interim injunction we dispose of the appeal restoring application for interim injunction filed by the respondent and declaring that the impugned order would be treated as an ex-parte ad-interim order and not a final order disposing of the respondent's application for interim injunction.

6. Learned Judge, Family Court shall decide the application for interim injunction within three months from today.

7. Dasti.

CM No.1143/2017

Disposed of as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

FEBRUARY 01, 2017

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