

\$~8

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

+ **MAT.APP.(F.C.) 22/2017 & CM No.5581/2017 (stay)**

POONAM Appellant

Through: Mr.K.D.Saini, Advocate.

versus

PANKAJ JOSHI Respondent

Through: Mr.Angad Singh Anand, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

%

04.05.2017

1. The appellant/wife has filed the present appeal under Section 19 of the Family Court Act, 1984 against the order dated 19.01.2017, passed by the learned Judge, Family Court, North, Rohini, Delhi whereunder, directions were issued to hear arguments on an application filed by the respondent/husband under Order XII Rule-VI CPC.
2. Having regard to the nature of the order passed on 19.01.2017, it has been enquired from learned counsel for the appellant as to how would the present appeal be maintainable when the said order does not fall within the ambit of Section 19(i) of The Hindu Marriage Act, 1955.
3. On the first call, the matter was passed over for learned counsel for the appellant to examine the aforesaid aspect. On the second call, after addressing arguments for some time, learned counsel seeks leave to

withdraw the present appeal while reserving the right of his client to file an application/petition before an appropriate Forum for seeking transfer of HMA No.123/2016 to another Court.

4. Without expressing an opinion on the maintainability or merits of such an application/petition proposed to be filed by the appellant, the present appeal is disposed of, along with the pending application.

5. Interim order dated 13.02.2017, is vacated.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 04, 2017
ssc