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

+ CM(M) 332/2017

DR SUMIT PRASAD

..... Petitioner

Through

Mr.Sidharth Luthra, Sr. Adv. with
Mr.Kunal Seth and Mr. Soumya Roop
Sanyal, Advocates.

versus

SAPNA JULEE

..... Respondent

Through

None.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% 22.03.2017

C.M. No.11383/2017 & C.M.No.11384/2017 (exemption)

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

CM(M) 332/2017

After some arguments, learned senior counsel for petitioner under instructions submits that he would not be pressing any of the prayers made in the petition except prayer (iii). Prayer (iii) seeks expeditious disposal of the divorce petition. This divorce petition had been filed by the petitioner under Section 13(1)(ia) and (ib) of the Hindu Marriage Act. This was filed in March, 2013. Contention of the petitioner is that the respondent/estranged wife has deliberately delayed the filing of the written statement which was filed three years later which was only on 17.8.2016. This Court notes this submission. This Court also notes the order which has been passed by the Court and which was the subject matter of prayer (i) of the present petition.

This was an order dated 08.2.2017. The court had noted that the respondent wife had filed an application under Section 24 of the H.M.A. which is pending adjudication. This application has been filed in May, 2016. 10 months later i.e. in February, 2017 the petitioner chose to file an application under Section 165 of the Evidence Act. Learned Family Court Judge is dealing with both the applications. It is left to the discretion of the learned Family Court Judge to dispose of the applications in accordance with law.

However, noting the contentions of the petitioner and his grievance being largely to the effect that the matter has been delayed for no fault of the petitioner, the learned Family Court shall endeavour to dispose of the divorce petition expeditiously and preferably within an outer limit of 14 months from the date of the receipt of this order.

Learned senior counsel for petitioner additionally submits that the format in which the affidavit had been filed by the respondent does not adhere to the guidelines/directions of this Court in the judgment of Kusum Sharma Vs. Mahinder Kumar Sharma, 217(2015) DLT 706. This shall be considered by the Family Court Judge while dealing with the aforementioned applications.

With these directions petition disposed of.

INDERMEET KAUR, J

MARCH 22, 2017

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