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

+ CM(M) 560/2017

MANALI SINGHAL

..... Petitioner

Through: Ms.Pinki Anand, Sr. Adv. with Mr.P.
Banerjee, Ms.Princy Ponnann,
Ms.Savdamini Sharma, Mr.Deepak
Singh, Rawat, Advs.

versus

RAVI SINGHAL

..... Respondent

Through: Mr. Abhimanyu Bhandari,
Mr.Tanmaya Mehta, Mr.Ankit
Virmani, Ms.Rinkel Singh, Mr.
Krishan Tewary, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **19.05.2017**

Caveat No.493/2017

Learned counsel for the caveator is present. The caveat is discharged.

CM(M) 560/2017 and CM 19091-19092/2017

1. Issue notice. Learned counsel for the respondent accepts notice.
2. The petitioner is seeking transfer of the divorce petition pending before the Family Court, Central District to Family Court, New Delhi District and is aggrieved by the order dated 4th May, 2017 whereby the Family Court, Central District, Tis Hazari Court has dismissed the petitioner's application.
3. Learned counsel for the respondent submits that the petitioner has filed this petition to delay the proceedings and to frustrate the order dated 10th March, 2017 in SLP(C) 4199/2017 whereby the Supreme Court directed the Family Court to decide the divorce petition within a period of six

months. It is submitted that more than two months have already passed and the petitioner is not permitting the matter to move forward. Without prejudice, it is submitted that the respondent would not object to the transfer of this petition subject to the petitioner giving an undertaking to let the proceedings complete within a period of six months as directed by the Supreme Court vide order dated 10th March, 2017. Learned counsel for the respondent submits on instructions from the respondent that the respondent would also not seek any unnecessary adjournment before the Family Court.

4. Learned counsel for the petitioner does not admit that the petitioner has filed this petition to delay the proceedings. However, learned counsel for the petitioner submits on instructions from the petitioner present in Court that the petitioner would not seek any unnecessary adjournment before the Family Court and has no objection to the expeditious hearing in terms of the Supreme Court order dated 10th March, 2017.

5. With the consent of both the parties, the impugned order dated 4th May, 2017 is set aside and the divorce petition bearing HMA No. 1163/2014 is transferred from the Family Court, Central District, Tis Hazari to Family Court, New Delhi District and the same shall be listed before the Family Court, New Delhi District for directions on 24th May, 2017 at 2.30 pm when the learned Family Court, New Delhi District shall fix the case for hearing the petitioner's application under Order 12 Rule 6 of the Code of Civil Procedure. The Family Court shall continue the proceedings in terms of the order dated 10th March, 2017 passed by the Supreme Court in SLP(C) 4199/2017. The pending application is disposed of.

6. It is clarified that this Court has not examined the case on merits and the parties shall urge all their contentions on merits before the Family Court.

7. Copy of this order be given dasti to counsel for the parties under the signature of the Court Master.

8. Copy of this order be set to the Family Court, Central District, Tis Hazari Court as well as Family Court, New Delhi District by a special messenger for compliance.

J.R. MIDHA, J.

MAY 19, 2017
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