

\$~7

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

+ **MAT.APP.(F.C.) 162/2016**

SEEMA

..... Appellant
Represented by: Mr.Diwan Singh Chauhan,
Advocate.

versus

VIJAY KUMAR

..... Respondent
Represented by: Mr.Anil Sharma &
Mr.Jaskaran Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **02.02.2017**

1. As hearing commenced learned counsel for parties concedes that the learned Judge, Family Court has not considered the evidence.
2. The impugned judgment shows that after exhaustively noting pleadings of parties, certain extract from the depositions of witnesses have been extracted followed by noting case law. Suddenly findings on fact have been arrived at without discussing the evidence.
3. Learned counsel for parties jointly prayed for appeal to be disposed of after setting aside the impugned judgment and decree with the direction to

the learned Judge, Family Court to re-decide the HMA No.946/2014 after discussing the evidence.

4. Accordingly, the appeal is disposed of setting aside the impugned judgment dated August 20, 2016 followed by the decree dated September 17, 2016. HMA No.946/2014 is restored for adjudication afresh with the direction that the evidence led by the parties would not simply be noted, but would be discussed for the justification of the findings arrived at by the learned Judge, Family Court.

5. TCR be returned forthwith.

6. No costs.

CM No.41104/2016

Disposed of as infructuous.

PRADEEP NANDRAJOG, J

YOGESH KHANNA, J

FEBRUARY 02, 2017

M