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

+ CM(M) No.885/2017 & CM No.29598/2017 (for stay).

MS

..... Petitioner

Through: Mr. Jaideep Singh and Ms. Ritu
Apurna, Advs.

Versus

RS

..... Respondent

Through: Mr. Arvind K. Nigam, Sr. Adv. with
Mr. Abhimanue Shrestha, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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22.08.2017

CM No.29599/2017 (for exemption) and CM No.29600/2017 (exemption from filing complete Trial Court record).

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

CM(M) No.885/2017 & CM No.29598/2017 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the order (dated 3rd July, 2017 in G.No.08/17 of the Court of Principal Judge, Family Courts (South), Saket Courts, New Delhi) closing the right of the petitioner to file written statement to the amended guardianship petition filed by the respondent.
4. The impugned order, after so closing the right, posts the suit for evidence of the respondent on 27th July, 2017.
5. The counsel for the petitioner on enquiry states that on 27th July, 2017 the parties were referred to mediation and the matter is listed for mediation on 25th August, 2017 and the next date before the Family Court is 10th October, 2017.

6. Considering that it is a guardianship matter involving the interest of the minors, though no ground for showing any further indulgence to the petitioner is made out, but the counsel for the petitioner was asked to request the senior counsel for the respondent who had appeared in CM(M) No.722/2017 arising from the same proceeding on 18th July, 2017, to appear.

7. The senior counsel for the respondent has appeared and has fairly stated that subject to the petitioner supplying copy of the written statement to the amended guardianship petition to the counsel for the respondent by 2000 hours tomorrow evening i.e. 23rd August, 2017 by way of last opportunity, an opportunity may be given to the petitioner.

8. The petition is disposed of by directing that, subject to petitioner supplying advance copy of the written statement to the amended guardianship petition to the counsel for the respondent latest by 2000 hours tomorrow evening i.e. 23rd August, 2017 and filing the written statement in the Family Court on the following day, the said written statement shall be taken on record and the respondent shall be entitled to file a replication thereto and the Family Court shall proceed with the matter.

9. It is however made clear that if the advance copy of the written statement is not so furnished or the written statement not filed as aforesaid, the order of the Family Court impugned in this petition shall stand and the petitioner shall not be entitled to file written statement to the amended guardianship petition.

No costs.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J.

AUGUST 22, 2017/pp..

CM(M) No.885/2017

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