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

+ CM(M) 1297/2017 & CMs 41456/2017, 41457/2017

S Petitioner

Through: In person

versus

P Respondent

Through: Mr.Prashant Mendiratta, Advocate
with respondent in person.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
20.12.2017

1. The petitioner has challenged the order dated 8th November, 2017 whereby the learned Family Court directed both the parties to file their affidavits of assets, income and expenditure and fixed the case for hearing on the petitioner's application under Section 24 of the Hindu Marriage Act as well as recording of the petitioner's evidence on 20th November, 2017.
2. Vide order dated 17th November, 2017, this Court issued notice to the respondent and directed the Family Court to defer the proceedings by four weeks to enable the respondent to engage a new counsel and prepare the case. The family court accordingly adjourned the matter for 21st November, 2017.
3. The petitioner present in person seeks further time to file the list of witnesses and the affidavit of assets, income and expenditure.
4. Learned counsel for the respondent submits that the respondent's affidavit of assets, income and expenditure in the format provided in *Annexure A1* in ***Kusum Sharma v. Mahinder Kumar Sharma***, 241 (2017)

DLT 252 is ready and shall be filed tomorrow. It is submitted that the respondent has to examine only one witness and the evidence by way of affidavit of the respondent has already been filed before the Family Court. It is further submitted that the petitioner has neither filed the list of witnesses nor the affidavit of assets, income and expenditure in terms of the orders of the Family Court. Learned counsel for the respondent further submits that the respondent has paid maintenance to the tune of more than Rs.49 lakhs in terms of the orders passed by the Court under the Domestic Violence Act. It is further submitted that the petitioner filed the application under Section 24 of the Hindu Marriage Act on 3rd May, 2016 and the petitioner is deliberately delaying the proceedings as she is getting maintenance.

5. This Court is of the view that the learned Family Court directed the petitioner to file the affidavit of assets, income and expenditure as back as on 8th November, 2017 and the petitioner had sufficient time to file the affidavit of assets, income and expenditure. This Court is not satisfied with the petitioner's contention to grant further time to file the affidavit of assets, income and expenditure as well as the list of witnesses.

6. There is no merit in this petition which is hereby dismissed. The pending applications are disposed of.

7. The record be sent back of the Family Court forthwith through a special messenger.

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

J.R. MIDHA, J.

DECEMBER 20, 2017

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