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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 46/2018 & CM No. 7303/2018 (stay)**
SUMAN DEVI Appellant
Through Mr. Niloy Dasgupta, Advocate.
versus

RAJESH Respondent
Through Ms. Anita, Advocate.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

ORDER

% **20.04.2018**

The present appeal under Section 19 of Family Courts Act, 1984, essentially assails the direction contained in the impugned order dated 15th December, 2017, to forfeit the appellant's right to file a written statement.

Having perused the record, it is evident that on 22nd July, 2017, upon service of notice, the appellant entered appearance before the learned Family Court and prayed for time to take appropriate proceedings, in accordance with law. The matter was directed to be listed on 15th December, 2017, for filing of written statement/further proceedings.

On the next date of hearing, i.e. 15th December, 2017, an adjournment was sought on behalf of the appellant to file the written statement. The same was declined by the learned Family Court and the right of the appellant to file the written statement was forfeited.

It is observed that the appellant is a housewife, who resides in District Jhunjhunu, Rajasthan and has been granted Rs.11,000/- towards litigation

expenses. It is, therefore, obvious that she does not have the resources to finance a protracted litigation.

Therefore, it would not be in the interest of the appellant to delay the proceedings by repeatedly seeking accommodation from the learned Family Court. In any event, the appellant has been granted only one opportunity by the learned Family Court, since service of notice upon her to file written statement and her right so to do has been closed immediately, on the next date of hearing.

We are, therefore, of the opinion that the impugned order, inasmuch as, it forfeits the right of the appellant to file the written statement as afore-stated cannot be sustained and is liable to be set aside. The order is accordingly set aside.

The appellant is permitted to file a written statement to the petition instituted on behalf of the respondent, as a last opportunity, within a period of four weeks from today with an advance copy to the latter failing which her right so to do shall stand closed.

The appeal is allowed in the above terms.

A copy of the order be given *dasti* to learned counsel for the parties under signature of the Court Master.

SIDDHARTH MRIDUL, J

PRATHIBA M. SINGH, J

APRIL 20, 2018/rs
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