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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 115/2018
BRAHAMPAL SINGH Appellant
Through Mr. R.K. Ruhil, Advocate

versus

NIRMALA Respondent
Through Mr. Ram Kamal Prasad, Advocate

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **12.11.2018**
CM.APPL 21166/2018(delay)

This is an application filed by the applicant/appellant seeking condonation of 56 days delay in filing the present appeal. Prayer made in this application is not opposed. Accordingly, delay of 56 days in filing the present appeal is condoned.

The application stands disposed of.

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The present appeal is directed against the order dated 06.02.2018 passed by the Family Court by which right to file evidence of the appellant herein has been closed and consequently, the petition seeking a decree of divorce has been dismissed.

Learned counsel for the appellant submits that the appellant has been thrown out from his own house by his wife and is forced to live alone in Sikandrabad, U.P. It is also contended that the appellant is suffering from Seizures and Tinnitus. Copies of medical prescriptions have been placed on record from IHBAS.

Notice was issued in the matter. Counsel for the respondent enters

appearance. He submits that the appellant is only trying to delay the matter and by seeking unnecessary adjournment, the respondent is being put to inconvenience.

We have heard the learned counsels for the parties. Time was granted to the appellant to file evidence by an order dated 16.08.2015 and the matter was adjourned to 07.12.2017, when again two weeks time was granted and the appellant was cautioned that in case the evidence is not filed, adverse orders would be passed. Since no evidence was filed, on 06.02.2018 the right to file evidence was closed and the petition was dismissed.

Having regard to the medical condition of the appellant and to meet the ends of justice, we set aside the order dated 06.02.2018 passed by the Family Court, subject to payment of cost of Rs.4,000/- to be paid to the respondent. The petition is restored to its original number and file.

Parties to appear before the Family Court on 20.12.2018, as prayed.

The appeal stands disposed of in above terms.

G.S.SISTANI, J

JYOTI SINGH, J

NOVEMBER 12, 2018

pst /
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