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

+ MAT.APP.(F.C.) 107/2018

SUNIL KUMAR SHARMA Appellant

versus

MANU SHARMA & ANR. Respondents

+ MAT.APP.(F.C.) 108/2018

SUNIL KUMAR SHARMA Appellant

versus

PREETI SHARMA Respondent

Present: Mr.Md.Azam Ansari, Advocate for the appellant.
Ms.Preeti Sharma, mother of the respondents.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **25.07.2018**

C.M.19545/2018 (exemption) in MAT.APP.(F.C.) 107/2018

Exemption is allowed subject to just exceptions.

Application stands disposed of.

C.M.19546/2018 (delay) in MAT.APP.(F.C.) 107/2018

For the reasons mentioned in the application, the delay in filing the appeal is condoned.

The application stands disposed of.

MAT.APP.(F.C.) 107/2018 with CM APPL 19544/2018 (stay) & MAT.APP.(F.C.) 108/2018

The challenge in both the appeals is to the order dated 21.11.2017, by which the appellant has been proceeded *ex-parte*.

Mrs. Preeti Sharma, respondent in MAT.APP.(F.C.) 108/2018 is present in Court submits that the appellant has not been appearing before the Family Court and maintenance is also not being paid to the respondents by the appellant. It is submitted that non-bailable warrant have also been issued against the appellant. Mrs. Sharma further submits that the appellant has been harassing

her and her two children and he has been playing hide and seek with the Court, which statement is denied by the counsel for the appellant.

Counsel for the appellant submits that the absence of the appellant was not on account of *malafide* reasons but for the fact that the counsel appointed by him has shifted permanently to Patna without informing the appellant. Counsel for the appellant submits that after passing of the order dated 21.11.2017 there has been no progress in the matter, witnesses have not been examined. Counsel for the appellant undertakes on behalf of the appellant that the appellant shall either appear in person before the Court or represent himself through his counsel on all dates of hearing.

We have heard learned counsels for the parties.

Keeping in view the facts and circumstances of the case, in the interest of justice, we set aside the order dated 21.11.2017 subject to payment of Rs.5000/- in each case to be paid to the respondents. The appellant shall remain bound by the undertaking given by the counsel that he would not absent himself and would either appear in person or represented through his counsel.

In terms of the above directions, both the appeals stand disposed of.

CM APPL 19544/2018 (stay) in MAT.APP.(F.C.) 107/2018

In view of order passed in the appeals, the application stands disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JULY 25, 2018

rb /

MAT.APP.(F.C.) 107/2018 etc.