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

+ **MAT.APP.(F.C.) 191/2018 & CM No.31764/2018 (stay)**

AVNEET KAUR

..... Appellant

Through: Mr.Maninder Singh, Ms.Smriti Asmita,
Mr.Sankalp Kohli and Mr.Anuj Singh,
Advocates.

versus

SATINDER SINGH KAKAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

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08.08.2018

CM No.31765/2018 (exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM No.31763/2018 (delay)

This is an application filed by appellant seeking condonation of delay in filing the appeal.

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

The application stands disposed of.

MAT.APP.(F.C.) 191/2018 & CM No.31764/2018 (stay)

This is an appeal against the order dated 11.05.2018. The grievance of the appellant is that the Family Court has failed to treat the issue no.1 as a preliminary issue. Another grievance raised is that an application filed under Order 7 Rule 11 has been rejected by an order dated 19.02.2018.

We have heard the learned counsel for the appellant.

We find that the present appeal does not challenge the order dated

19.02.2018 by which the application filed by the appellant under Order 7 Rule 11 CPC has been dismissed. As far as the impugned order dated 11.05.2018 is concerned, we find that the Family Court has only framed issues in the matter. There is nothing to suggest that the prayer made for treating issue No.1 as a preliminary issue has been either made or rejected, thus an appeal is not maintainable.

At this stage, counsel for the appellant submits that he would make an application before the Concerned Court for treating the issue no.1 as preliminary issue for the reason that an earlier petition raising identical grounds has been dismissed.

The appeal is dismissed. It would be open for the appellant to seek such remedy as available in accordance with law.

Copy of this order be given *dasti*.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

AUGUST 08, 2018
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