

\$~SB-2

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

+ MAT.APP.(F.C.) 211/2018

SACHIN BHATIA

..... Appellant

Through

Mr. Rajiv Sharma & Ms. Pooja Shukla,
Advocates.

versus

SHWETA GUPTA

..... Respondent

Through

Mr. R.P.S. Bhatti, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE C. HARI SHANKAR

ORDER

%

15.02.2019

CM APPL 53262/2018 (Exemption)

1. Exemption is allowed subject to just exceptions.
2. Application stands disposed of.

CM APPL. 53261/2018 (delay in filing review application)

3. This application has been filed by the applicant/respondent seeking condonation of 21 days delay in filing the review application.
4. The prayer made in this application is not opposed. Accordingly, delay of 21 days in filing the review application is condoned.
5. The application stands disposed of.

REVIEW PET. 452/2018 & MAT.APP.(F.C.) 211/2018

6. By this review petition, the applicant/respondent seeks review of the order dated 24.08.2018 by which the Court had allowed the appeal filed by the appellant on the ground that the impugned order was passed without hearing the counsel for the parties. It is contended that this Court was informed that none was present at the time of passing of the order dated 04.04.2018 by the Family Court. Counsel has drawn attention of the Court to the order dated 30.01.2018 passed by the Family Court, which we reproduce below :

“30.01.2018

Pr : Sh. S.D. Wadhwa, advocate for petitioner.

Respondent with Sh. Dilshad Ali, Advocate.

Replication filed. Copy given.

Arguments heard on the application u/s 24 HMA.

New DD of Rs.11,000/- is deposited by the petitioner in court. The same can be collected by the respondent from the record after deposit of the earlier expired DD or its return to the counsel for the petitioner.

Put up this matter on 04.04.2018 for orders on the application.”

7. Counsel for the respondent submits that reading of order dated 30.01.2018 makes it abundantly clear that both the counsels were present when the arguments were heard.
8. Counsel for the appellant very fairly admits that the order dated 30.01.2018 passed by the Family Court was not brought to the notice of this Court while passing the order dated 24.08.2018. However, counsel further submits that there are other grounds as well on which he assails the order.
9. We have heard learned counsels for the parties. We are not satisfied with the explanation rendered by the counsel for the appellant for the reason that the appellant has not come with clean hands before this Court and concealed material facts when the order dated 24.08.2018 was passed. Order dated 30.01.2018 was neither filed nor brought to our notice.
10. Accordingly, the review petition is allowed.
11. Resultantly, the appeal filed by the appellant is dismissed.

G.S.SISTANI, J

C. HARI SHANKAR, J

FEBRUARY 15, 2019/ck/

MAT.APP.(F.C.) 211/2018

2/2