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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1264/2018 & CM No.43319/2018 (for condonation of delay
of 9 days in re-filing the appeal)
MOHAMMAD AMJAD Petitioner

Through: Mr. Pramod Kumar Ahuja, Adv.

Versus

SONIA DHIR @ MS SARAH Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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15.10.2018

CMs No.43318/2018 & 43320/2018 (both for exemptions)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 1264/2018

3. This petition is listed subject to objection as to maintainability thereof.
4. Vide the impugned order dated 10th August, 2018, the proceedings in which the impugned order was made, was ordered to be listed for final arguments on 5th September, 2018.
5. The counsel for the petitioner, on enquiry as to what happened on 5th September, 2018, states that he is not aware.
6. If the proceedings have already been decided, no purpose will be served in entertaining this petition which would have become infructuous.
7. At this stage, the counsel for the petitioner states that the proceedings are now listed tomorrow before the Family Court for final arguments.

8. It is not deemed appropriate to interfere with the proceedings at this stage.
9. Attention of the counsel for the petitioner is also drawn to the dicta of the Division Bench of this court in *Manish Aggarwal Vs. Seema Aggarwal* ILR (2013) I Delhi 210 and it is enquired as to why, against the order closing the right of the petitioner to file written statement, an appeal under Section 19 of the Family Courts Act, 1984 would not lie.
10. The counsel for the petitioner seeks to withdraw this petition with liberty to impugn the order dated 10th August, 2018 in the remedy if any taken against the final order in the proceedings.
11. Dismissed as withdrawn with liberty aforesaid.

Dasti.

RAJIV SAHAI ENDLAW, J

OCTOBER 15, 2018

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