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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1170/2018
OJISHA SHARMA Petitioner

Through: Petitioner in person.

Versus

ANIL SHARMA Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **28.09.2018**

CM No.39854/2018 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. This petition under Article 227 of the Constitution of India impugns the order dated 6th March, 2018 on an application of the respondent under Section 12 of the Guardians & Wards Act, 1890 in GP No.49/2017 of the Principle Judge, South-West District, Family Court.
4. The Registry raised an objection as to the maintainability of the petition but upon insistence of the petitioner who has filed this petition in person, the petition was listed.
5. The petitioner, who during the pendency of the proceedings became an advocate and appears in person, states that though she could have filed an appeal against the impugned order but chose to file this petition. Upon attention of the petitioner being drawn to the dicta of the Division Bench of

this Court in *Manish Aggarwal Vs. Seema Aggarwal* (2012) 192 DLT 714 (DB), the petitioner states that since the appeal had to be filed within 30 days of the impugned order and she had missed filing an appeal within that period, she has filed this petition.

6. That cannot be a ground for entertaining this petition.

7. The Division Bench, though in *Manish Aggarwal* supra was concerned with Sections 24 to 27 of the Hindu Marriage Act, 1955 but what has been held with respect thereto would equally apply to Section 12 of the Guardians & Wards Act also. Reference if any required can be made to judgment dated 19th September, 2018 in CM(M) No.140/2018 titled *Jayanti Prasad Gautam Vs. Pragya Gautam*.

8. The petition is thus not maintainable and is dismissed.

9. The petitioner of course will have liberty to take appropriate action.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 28, 2018

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