

\$~16

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

+ **FAO 491/2018**

**SUNITA**

..... Appellant

Through: Mr. Vikas Sharma, Adv.

Versus

**ARUN KUMAR**

..... Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **16.10.2018**

**CM No.43735/2018 (for exemption)**

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

**FAO 491/2018**

3. This appeal under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 (CPC) impugns the order [dated 12<sup>th</sup> September, 2018 in HMA No.510/2000 of the Court of Principal Judge, Family Courts, Saket Courts, New Delhi] of dismissal of the application under Order IX Rule 13 of CPC filed by the appellant for setting aside the *ex-parte* order and decree dated 19<sup>th</sup> March, 2018 of dissolution of marriage of the parties under Section 13(1)(ia) of the Hindu Marriage Act, 1955.
4. The appeal does not lie in terms of the dicta of this Court in ***Manish Aggarwal Vs. Seema Aggarwal*** ILR (2013) I Delhi 210 and ***Raju Vs. Neelam*** 2018 SCC OnLine Del 11534 and is rejected.
5. At this stage, the counsel for the appellant withdraws the appeal.
6. The appeal is dismissed as withdrawn.

**RAJIV SAHAI ENDLAW, J.**

**OCTOBER 16, 2018/bs..**