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

\+ MAT.APP.(F.C.) 74/2019 & CM APPL. 11369, 11371 & 11372/2019

UJJWAL WADHAWAN ..... Appellant

Through: Ms. Jyoti Taneja & Mr. Nikhilesh Kumar, Advocates

versus

PANNA DHINGRA

..... Respondent

Through

CORAM:
HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

O R D E R

% 11.03.2019

Challenge in this appeal is to the order dated 08.02.2019 by which ex-parte stay of the proceedings before the Superior Court of New Jersey, Chancery Division – Family Part, Mercer County, has been granted.

Counsel for the appellant submits that the order so passed is based on suppression of material facts inasmuch the Court was not informed that (i)both the parties are stationed in United States of America; (ii) the appellant has already instituted proceedings prior in point of time and (iii)the respondent has already submitted to the jurisdiction of the U.S. Courts in other proceedings.

We find that post passing of this order, neither written statement nor reply to the application nor an application under Order XXXIX Rule 4 for vacation of the ex-parte order, has been filed.

In our view, it would be in the fitness of things, if the appellant, in case he so desires, may file an application under Order XXXIX Rule 4 and seek modification/variation of the aforesaid order at the first instance.

Ms. Taneja submits that the Family Court has fixed a date in the month of September, 2019 and requests that a shorter date may be fixed. We have no hesitation in saying should the pleadings be completed, the Family Court, if a request is made, would consider the request of early hearing favourably.

The appeal, along with the accompanying applications, is dismissed in the above terms.

G.S.SISTANI, J

JYOTI SINGH, J

MARCH 11, 2019
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