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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 278/2019 & CM APPL. 46771-46774/2019**
PRAGYA JAIN Appellant
Through Dr. Mahan Chand, father and power
of attorney holder of the appellant.

versus

KARTIKEY AGRAWAL & ANR Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE ASHA MENON

ORDER
% **23.10.2019**

1. The appellant is aggrieved by an order dated 18.01.2019, passed by the learned Principal Judge, Family Court, North District, Delhi, dismissing an application sent by her by post to the Court praying *inter alia* for reviewing the order dated 01.12.2018, whereunder an application moved by her under Section 25 of the Hindu Marriage Act, 1955 was dismissed as not maintainable.

2. In the order dated 18.01.2019, the Family Court has observed that there is no procedure for the applicant to post an application to the Court for review of its earlier order dated 01.12.2018, instead of filing the same and presenting herself for arguments. As a result, the Family Court has declined to examine the merits of the said application and dismissed the same.

3. At the outset, we have enquired from Dr. Jain, father and Power of Attorney holder of the appellant as to how would the present appeal be

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maintainable only against the order dated 18.01.2019 whereunder the appellant's application seeking review of the order dated 01.12.2018 has been dismissed, when no steps have been taken by the appellant to challenge the order dated 01.12.2018. He states that the Court may proceed to pass appropriate orders as it deems fit and he has nothing to say.

4. A perusal of the order dated 01.12.2018 passed by the learned Family Court reveals that the appellant had filed an application under Section 25 of the Hindu Marriage Act, 1955 seeking maintenance/alimony from the respondent and his father. Noting that the parties had applied for divorce by mutual consent before the Court of the learned Principal Judge, Family Court, Bhopal which was duly granted on 27.10.2017 and the said judgment had recorded that there is no dispute or transaction left between the parties either towards the claim of streedhan or any other amount and further observing that both the parties had agreed that they shall not file any legal proceedings against each other in the future as all matters stood settled, the Family Court held that there is no reason to entertain the application filed by the appellant under Section 25 of the Hindu Marriage Act, 1955 for seeking permanent alimony/return of streedhan from the respondent and his father.

5. The Family Court recorded the submission made by learned counsel for the appellant that the appellant had signed the joint petition for divorce by mutual consent on a fraud practiced by the respondent, but had rejected the same with an observation that if the appellant had any grievance, she could have approached the Court that had granted a decree of divorce but the application, as filed by her, is not maintainable.

6. After the order dated 01.12.2018 came to be passed, it appears from the record that the appellant forwarded an application by post to the Family Court seeking review of the said order, which was placed before the Family Court and registered as a miscellaneous application and was dismissed on 18.01.2019.

7. We are informed that so far the appellant has not taken any steps to approach the Family Court at Bhopal with a grievance that the decree of divorce by mutual consent granted by the said Court was on the basis of a fraud practiced by the respondent on her. Once a decree of divorce by mutual consent was granted by the concerned Court with a condition that neither party will lay any claim against each other in the future and nor would they file any litigation against each other, the question of the appellant approaching the Family Court at Delhi for seeking maintenance/alimony and return of streedhan, does not arise.

8. We do not find any error in the order dated 01.12.2018 dismissing the application filed by the appellant under Section 25 of the Hindu Marriage Act, 1955 or for that matter, in the order dated 18.01.2019 whereby the review application filed by the appellant has been dismissed.

9. The present appeal is accordingly dismissed *in limine* as meritless along with the pending applications.

HIMA KOHLI, J

ASHA MENON, J

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