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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAT.APP.(F.C.) 304/2019, C.M. Appl. No. 51166/2019, 51168/2019**
BALA

..... Appellant

Through: Mr.Rahul Sharma, with Ms.Jyoti Dutt
Sharma, and Mr.C.K. Bhatt,
Advocates

versus

DHIRENDER

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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27.11.2019

C.M. Appl. No. 51168/2019 (Exemption)

Exemption allowed subject to all just exceptions.

MAT.APP.(F.C.) 304/2019, C.M. Appl. No. 51166/2019 (Stay)

1. The appellant is aggrieved by an order dated 23.10.2019, passed by the learned Judge, Family Court, Karkardooma, whereunder two applications moved by her, one under Order VI Rule 17 CPC praying *inter alia*, for permission to amend the written statement and another under Section 151 CPC for summoning the record of the school where the two children, purportedly begotten by the respondent from another matrimonial alliance, are studying.

2. While dismissing both the applications, the learned Family Court observed that the divorce petition filed by the respondent/husband is the oldest case pending in that court as it relates back to the year 2004 and

every tactic under the sun seems to have been adopted by the respondent to delay the proceedings to the point that the evidence of the respondent was concluded on 16.10.2018 and the appellant had filed her affidavit by way of evidence on 04.12.2018 but she has been seeking an adjournment on one pretext or the other for the entire year.

3. We are informed that the matter is listed before the learned Family Court today at 2 PM for recording of the cross-examination of the appellant. We may note that the present appeal is not maintainable as the impugned order is only an interlocutory order and is not appealable under Section 19 (1) of the Family Courts Act, 1984. Even otherwise, the averments made in the present appeal and the submissions made by learned counsel for the appellant do not satisfy us for interfering in the impugned order. No amendment, as proposed can be permitted at the trial stage, nor can the Family Court be faulted for declining to conduct a roving and fishing enquiry at the behest of the appellant.

4. At this stage, learned counsel for the appellant seeks leave to withdraw the present appeal.

5. Leave, as prayed for, is granted. The appeal is dismissed as withdrawn.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 27, 2019

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