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

+ **MAT.APP.(F.C.) 36/2020**

RAKESH KUMAR

..... Appellant

Through: Mr. Javed Alvi, Advocate.

versus

JYOTI

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **25.02.2020**

C.M. No. 4708/2020 (Exemption)

Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 36/2020, C.M. Nos. 4707/2020 (by the appellant for summoning of TCR) and C.M. No.4709/2020 (by the appellant for condonation of delay in filing the appeal)

1. The appellant/husband is aggrieved by the judgment dated 08.11.2019, passed by learned Principal Judge (South), Family Court, Saket, New Delhi dismissing a petition filed by him for seeking divorce from the respondent/wife under Section 13(1) (ia) of the Hindu Marriage Act, 1955.
2. Learned counsel for the appellant has addressed extensive arguments at the stage of admission to assail the impugned judgment. However, we had expressed a *prima facie* view that the impugned judgment is well reasoned and after an analysis of the evidence brought on record, the learned Family Court has rightly held that the appellant has failed to prove the grounds of cruelty for grant of a decree of divorce to him. At that stage, at the request of learned counsel for the appellant, the matter was passed over as he stated

that he may be permitted to obtain clear instructions from his client.

3. On the second call, learned counsel for the appellant states that instead of pressing the present appeal on merits, the same may be disposed of but a limited notice be issued only on the aspect of the parties trying to negotiate a settlement with each other.

4. Accordingly, while disposing of the present appeal as also the pending applications as not pressed, a limited notice is issued to the respondent on the aspect of settlement. Counsel for the appellant shall file the process fee for effecting service on the respondent directly, as also through the counsel appearing for her before the Family Court by ordinary process, courier and speed post, returnable on 17.7.2020.

5. The notice shall indicate that the respondent shall remain present on the next date. The appellant shall also be present.

HIMA KOHLI, J

ASHA MENON, J

FEBRUARY 25, 2020

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