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

+ CM(M) 245/2020 & CMs 7462-63-64/2020

KANCHAN SAPRA

..... Petitioner

Through: Mr.Ishan Jain, Mr.Yash Prakash and
Mr.Hrishikesh Jha, Advs.

versus

NEERAJ SAPRA

..... Respondent

Through: Mr.Kamlesh Mahajan, Mr.Prince
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.02.2020

CM Nos.7463-64/2020 (Exemption)

Allowed, subject to all just exceptions.

CM(M) 245/2020 & CM No.7462 (Stay)

This petition has been filed by the petitioner primarily aggrieved of the order dated 19.11.2019 passed by the learned Principal Judge, Family Court (West), Tis Hazari Courts, Delhi in HMA No.140/2016, accepting that the respondent no.2 has been served by way of affixation.

The learned counsel for the petitioner submits that in fact there is no such person in existence and such respondent no.2 is only a figment of imagination of the respondent herein. He submits that the petitioner apprehends that the alleged respondent no.2 being proceeded *ex-parte*, a presumption would be drawn by the learned Trial Court against the petitioner herein.

In my opinion, the apprehension of the petitioner is not well founded at this stage. It will always be for the respondent herein to prove the existence of the respondent no2 and his allegation against such person in relation to the petitioner herein and merely by the respondent no.2 being proceeded *ex-parte*, no such presumption against the petitioner would be available to discharge the said burden.

In view of the above, the present petition is disposed of.

NAVIN CHAWLA, J

FEBRUARY 25, 2020/Arya