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

% ***Date of decision: 12th October, 2023***

+ MAT.APP.(F.C.) 143/2023, CM APPLs. 26185/2023, 26186/2023,
26187/2023

NAMITA

..... Appellant

Through: None.

versus

ABHISHEK GUPTA

..... Respondent

Through: Mr. Rajiv B. Samaiyar and Ms.
Deepika Mishra, Advocates along
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. An Appeal under Section 19 of the Family Court Act has been filed by the appellant against the Order dated 03.06.2022 with the following prayer :

“A. set aside the order dated 3.06.2022 passed by the Ld. Principal Judge, Family Court, North West Distt., Rohini Courts in HMA No. 661/2015 in case titled as "Abhishek Gupta vs. Namita" subject to whatever conditions which this Hon'ble Court deemed fit in the facts and circumstances of this Case.”

2. Learned Principal Judge, Family Court vide order dated 03.06.2022 has proceeded ex-parte against the appellant at the stage of cross-examination of the respondent and the matter was adjourned for R.E. (evidence of the appellant).



3. Learned counsel appearing on behalf of the respondent on instructions from the respondent is present in the Court and has no objection if the ex-parte order against the appellant is set aside, subject to cost.
4. In view of the reason stated in the present appeal and the consent granted by the learned counsel for the respondent, we hereby set aside the Order dated 03.06.2022 passed by the Family Court proceeding ex-parte against the appellant, subject to payment of cost of Rs.5,000/- to be paid by the appellant in favour of the respondent herein.
5. One opportunity shall be granted to the appellant to conclude the Cross-examination of the respondent on the date that may be fixed by the learned Principal Judge, Family Court. Thereafter, the appellant shall file her affidavit of evidence and the list of witnesses, if any. The learned Principal Judge, Family Court may make all endeavors to complete the recording of evidence within three months.
6. The appeal is accordingly, allowed and disposed of along with the pending applications.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 12, 2023

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