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

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Date of decision: 06th July, 2023

+ **MAT.APP.(F.C.) 52/2023 & CM APPL. 8686/2023**

VAIBHAV OBEROI

..... Appellant

Through: Mr. Rosemary Raju,
Advocate

versus

NIMISHA DUA

..... Respondent

Through: Ms. Yashaswi S.K Cocksey
and Mr. Mukesh Kumar

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. *Vide* the present appeal, the appellant is seeking following relief:
“a.) *Set aside the impugned Judgment and Order dated 15.10.2022 and 14.02.2023 passed by the Court of Shri Harish Kumar, Judge, Family Court, Patiala House Courts, Delhi in HMA No. 426/2022 and take the written statement filed by the Appellant on record.*”
2. Though, learned counsel for the respondent has strongly opposed the present appeal on the ground that the same is not maintainable, however, if this Court is inclined to allow it heavy cost may be imposed on the appellant.
3. The appellant, who is personally present through video conferencing, submits that if the present appeal is allowed, he is ready to contribute an amount of Rs. 50,000/- for some welfare purposes.
4. Accordingly, in view of the statement made by the appellant, the



appeal is allowed, subject to deposit of costs of Rs. 50,000/-, whereof, an amount of Rs. 25,000/- shall be deposited with Nirmal Chhaya, Nirmal Chhaya Complex, Jail Road, New Delhi for welfare of destitute women and children, and an amount of Rs. 25,000/- shall be deposited with Blind School, Sewa Kutir, Kingsway Camp, Delhi within one week from today.

5. The appeal is accordingly disposed of. Pending applications, if any, also stand disposed of.

6. The written statement filed on behalf of the appellant herein be taken on record by the Trial Court.

7. The Trial Court shall ensure that the costs be deposited for the aforesaid welfare purposes, as directed by this Court.

8. We expect the Trial Court to decide the case expeditiously.

9. *Dasti* under the signature of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

JULY 06, 2023/pa