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

% Judgment delivered on: 10.05.2023

**MAT.APP.(F.C.) 113/2023**

+ MAT.APP.(F.C.) 113/2023

ROHIT MARWAHA

..... Appellant

versus

SONIA MARWAHA & ANR.

..... Respondents

**Advocates who appeared in this case:**

For the Appellant: Mr. Sumit Goswami, Advocate with appellant in person.

For the Respondent: Ms. Shaju Francis, Advocate for R-1.

**CORAM:-**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

**MAT.APP.(F.C.) 113/2023**

1. Appellant impugns order dated 01.03.2023 whereby, the Family Court has permitted the respondent to file the written statement within three days.
2. Learned counsel for the appellant submits that the respondent has not filed the written statement despite several opportunities and she was also proceeded ex-parte vide order dated 20.12.2021.
3. Learned counsel for the respondent No. 1 submits that the respondent No. 1 was served sometime in August, 2020 when the

pandemic was in force and hybrid hearings were being held. He submits that written statement has already been filed on 03.03.2023, however, the Ahlmad of the Court has not tagged the same along with the Court record.

4. To show *bonafides*, he has produced before us a copy of the written statement which is dated 28.02.2023.

5. In view of the above, we find no ground to interfere with the impugned order dated 01.03.2023 permitting the respondent to file the written statement. In any event, keeping in view the nature of allegations made in the divorce petition, we are of the view this is not the case where the proceedings should be permitted to continue ex-parte without the defence on the part of the respondent No. 1 coming on record especially when respondent No. 1 is already stated to have filed the written statement.

6. Learned counsel for appellant submits that copy of the written statement has not been received.

7. In view of the above, we dispose of the appeal with a direction to respondent to supply a copy of the written statement to the appellant through counsel within one week from today. Replication to the written statement ,if any, be filed on the record of the Family Court within six weeks.

8. In view of the stand that the Ahlmad of the Court has not placed the written statement on record, on the grounds that the same is not traceable as submitted by the learned counsel for respondent. In case, the written statement is not traceable, the respondent is permitted to re-file a copy of the written statement along with a fresh attested duly

signed affidavit within one week from today.

9. The appeal is disposed of in the above terms.

**CM APPL. 21340/2023 (condonation of delay in filing)**

1. In view of the appeal having been disposed of on merits, the delay in filing the appeal is condoned.

2. The present application stands disposed of.

**SANJEEV SACHDEVA, J**

**MANOJ JAIN, J**

**MAY 10, 2023**  
*swati*