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

% Judgment delivered on: 29th May, 2023

MAT.APP.(F.C.) 162/2023

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RUBY KASANA

..... Appellant

versus

MANJEET SINGH

..... Respondent

Advocates who appeared in this case:

For the Appellant: Ms. Kritika M. Bura, Advocate with appellant in person.

For the Respondent: Mr. V.S. Dubey, Advocate with respondent in person.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.29259/2023 (exemption)

Exemption allowed subject to all just exceptions.

MAT.APP.(F.C.) 162/2023 & CM APPL. 29258/2023 (stay)

1. Appellant impugns order dated 11.05.2023 whereby the application filed by the appellant under Order IX Rule 7 CPC seeking setting aside of ex-parte order dated 07.05.2022 has been dismissed.



2. Learned counsel for the appellant submits that the appellant had requested her counsel to be diligent in the matter. However, he did not file any written statement. She submits that the respondent has not paid the litigation expenses and has also not even complied with the order for payment of maintenance.
3. Issue notice. Mr. V.S. Dubey, Advocate accepts notice on behalf of the respondent.
4. With the consent of the parties, the appeal is taken up for consideration today.
5. No doubt the record reveals that several opportunities were taken by the appellant to file written statement and for seeking setting aside of the order but these were not availed. However, in the facts and circumstances of the case, since the respondent has not paid the litigation expenses and is also not reportedly regular in payment of the maintenance, we deem it expedient to give one opportunity to the appellant to defend the proceedings and to file written statement.
6. In view of the above, the order dated 07.05.2022 proceeding ex-parte against the appellant and the impugned order dated 11.05.2023 are set aside. Appellant is granted five weeks' time to file written statement from today with advance copy to learned counsel for the respondent who shall file replication, if any, before the next date of hearing.
7. The Family Court is also requested to expedite the proceedings



and endeavour to conclude the same expeditiously.

8. Appeal is allowed in the above terms.
9. Order Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

MAY 29, 2023
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