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

+ CM(M) 30/2018 and C.M. Appl. 668/2018

K Petitioner

Through: Mr. Tanmaya Mehta, Advocate

versus

H Respondent

Through: Mr. M.L. Bajaj, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **26.02.2018**

1. The petitioner has challenged the order dated 06th November, 2017, whereby the learned Family Court has fixed the case for recording of the petitioner's evidence on 06th March, 2018 and 14th March, 2018. The petitioner's grievance is that the petitioner's applications under Order VI Rule 17 of the Code of Civil Procedure and Section 24 of the Hindu Marriage Act be heard and disposed of before proceeding with the respondent's evidence.

2. Learned counsel for the respondent has no objection to the hearing and disposal of the petitioner's applications before proceeding with the respondent's evidence. Learned counsel for the respondent submits that the parties shall seek an adjournment before the Family Court on 06th March, 2018. It is further submitted that the respondent shall file reply to the petitioner's applications on 14th March, 2018. It is further submitted that both the applications be taken up for hearing thereafter.

3. Both the parties have filed their affidavits of assets, income and expenditure in terms of order dated 08th January, 2018. The parties are

directed to file these affidavits before the learned Family Court on 06th March, 2018. The petitioner shall also file the response to the respondent's affidavit and the respondent shall file his response to the petitioner's affidavit before the learned Family Court on 06th March, 2018. The Family Court shall consider the affidavits as well as the response of the parties to the affidavits of the opposite parties.

4. In the facts and circumstances of this case, the learned Family Court shall take on record the affidavits of assets, income and expenditure of both the parties in the format of Annexure-A of ***Kusum Sharma v. Mahinder Kumar Sharma***, 246 (2018) DLT 1 along with documents mentioned therein as well as the response of the parties to the affidavits of the opposite parties on 06th March, 2018. The learned Family Court shall grant time to the respondent to file the reply to the applications under Order 6 Rule 17 of the Code of Civil Procedure and under Section 24 of the Hindu Marriage Act on 14th March, 2018 and thereafter, learned Family Court shall grant an opportunity to the petitioner to file rejoinder to the replies and fix the case for hearing on the petitioner's applications. The learned Family Court shall expedite the hearing of the applications and endeavour to decide the same within two months from 14th March, 2018. The learned Family Court shall fix the case for recording of the remaining evidence of the respondent after disposal of the petitioner's applications.

5. The petition and the application are disposed of in the above terms.

6. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 26, 2018

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