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

+ **CM(M) 121/2024**

AKHIL SINGHAL

..... Petitioner

Through: Mr. Akshat Gupta, Adv.

versus

HARSHA SINGHAL

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **22.01.2024**

CM APPL. 3908/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 227 of the Constitution of India for seeking directions that the learned Principal Judge, Family Court (hereinafter referred to as '**PJFC**') be directed to hear and decide the divorce petition being HMA Petition bearing HMA No. 421/2021 titled as "Akhil Singhal v. Harsha Singhal", along with pending application under Order VII Rule 14 read with Section 151 of the CPC for filing the additional document on behalf of the petitioner on a day to day basis in a time bound manner.
4. It is submitted that after the filing of the application moved on behalf of the petitioner under Order VII Rule 14 read with Section 151 of the Code



of Civil Procedure (hereinafter as ‘CPC’) adjournment on six dates of hearing had been granted and the respondent is inordinately delaying the adjudication of the application by deliberately not filing the reply, therefore, the Trial before the learned PJFC is not proceeding.

5. None has appeared on behalf of the respondent despite advance notice.

6. Be, it noted, that the respondent was put to notice of the application on 02.06.2023 and he sought an adjournment to file reply to the same before the learned PJFC. On the next date of hearing i.e. on 04.07.2023, the last opportunity was granted to the respondent to file reply to the application and the matter was listed for 15.09.2023. On the said date of hearing, the application could not be taken up for disposal as the reply was not filed and again last opportunity was granted by the learned PJFC to file a reply, and the matter was listed for 09.11.2023. Once again, on the said date of hearing, time was sought by the respondent to file a reply to the application and the learned PJFC afforded one more opportunity to the respondent to file reply and listed the application for arguments on 06.02.2024. However, the time period within which the respondent was required to file a reply was not clarified.

7. In view of the above, the learned PJFC is directed to dispose of the application moved under Order VI Rule 14(3) read with Section 151 of the CPC on 06.02.2024, when the case is listed for arguments on the said application. The respondent is directed to file reply within one week from today before the learned PJFC.

8. Learned counsel for the petitioner submits that with respect to the trial either on day to day basis or an early disposal of the Divorce Petition, he



shall bring to the notice of the learned PJFC the guidelines already laid by the Division Bench of this Court in the judgment dated 31.07.2023 passed in MAT. APP. (F.C.) 127/2023 in the case of **Smt. K. S. Sumi Mol vs. Sh. Suresh Kumar E. K.**

9. The order be notified to the respondent.
10. In view of the above directions, the petition stands disposed of.

SHALINDER KAUR, J.

JANUARY 22, 2024/aks