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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 83/2023, CM APPL. 15334/2023 –Delay 114 days.
CM APPL. 46625/2023 –Clarification of order dt. 21/07/2023/Dir. by
Res. & CM APPL. 6520/2024 –Addl. doc. (A).
NODIRA DAVLATOVAAppellant

Through: Ms Geeta Luthra, Sr Adv. with Mr
Akhil Ranganathan, Mr Manas
Agarwal, Mr. Prabhav Pachory and
Ms Sitwat Nabi, Advs. with appellant
in person.

versus

SIDDHARTH NAYYARRespondent

Through: Mr Gaurave Bhargava, Adv for
Respondent no.1.
Ms Nidhi Raman, CGSC with Mr
Zubin Singh and Ms. Rashi Kapoor,
Advs. for UOI/FRRO.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

03.10.2024

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1. The present appeal under Section 19 of the Family Courts Act, 1984 preferred by the wife, seeks to assail the order dated 03.11.2022 alongwith orders dated 13.03.2020, 21.01.2021 and 27.07.2022 passed by the learned Family Court vide the impugned orders, the appellant was proceeded ex-parte and consequently, her right to cross-examine the respondent-husband, stood closed.
2. Learned counsel for the respondent submits that though the reasons furnished by the appellant for not appearing before the learned Family Court are liable to be rejected, in the interest of expeditious trial of his pending guardianship petition, the respondent has no objection if the impugned



orders are set aside and the appellant is permitted to participate in the proceedings as also to cross-examine the respondent. He, however, prays that the learned Family Court be directed to dispose of the petition preferred by the respondent in a time-bound manner.

3. In the light of this stand taken by the respondent and without expressing any opinion qua the grounds raised in the appeal subject to cost of Rs.25,000/-, we allow the appeal with the consent of the parties. Consequently, we set aside all the impugned orders and direct that the appellant will be allowed to participate in the proceedings from the stage, where it was on 13.03.2020, when her right to cross-examine the respondent was closed.

4. However, taking into account that the GP Petition, in which the impugned orders have been passed, has remained pending for six years, we request the learned Family Court to endeavor to dispose of the petition within six months. Costs of Rs.25,000/- in terms of the order will be paid by the appellant within two weeks to the Delhi High Court Staff Welfare Fund [Account No.15530110074442, UCO Bank, Delhi High Court Branch, IFSC Code: UCBA0001553].

5. The appeal alongwith the pending applications stands disposed of in the aforesaid terms.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 3, 2024/So