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

+ CM(M) 2099/2024

GAURAV CHADHA

..... Petitioner

Through: Mr. Rashmi Chopra and Mr. Puneet
Rathi, Advs

versus

MS RUCHI CHADHA

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **13.03.2024**

CM APPL. 15273/2024 (Exp)

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

**CM(M) 2099/2024, CM APPL. 15271/2024 (Stay), CM APPL.
15272/2024 (Access to Children)**

3. The present petition has been filed under Article 227 of the Constitution of India impugning the order dated 07.03.2024 passed in MISC Civ No.21/24 by the learned Principal District & Sessions Judge, Family Court, South East District, Saket Court, New Delhi (hereinafter referred as 'PJFC').
4. Learned counsel for the petitioner submits that the petition under section 26 of the HMA, 1955 was filed before the learned PJFC on



29.02.2024 and since then, the learned PJFC has not got the petition registered since is seeking clarification on maintainability of the petition. It is submitted that in the said manner, the visitation right in favour of the petitioner herein to meet the minor child may get compromised.

5. The learned counsel for the petitioner is seeking direction for the learned PJFC to register the petitioner under Section 26 of the HMA Act, however, at this stage, it is submitted that the direction may be issued to the learned PJFC to decide the question regarding maintainability of the petition which is pending since 29.02.2024.

6. In view of the above, as the Learned counsel for the Petitioner is not pressing on the prayers as mentioned in the present petition but seeks directions with respect to deciding the issue regarding maintainability of the petition and as the petition is yet to be registered, the learned PJFC to decide the question of maintainability regarding the petition within two weeks from today.

7. With the above directions, the petition stands disposed of.

SHALINDER KAUR, J

MARCH 13, 2024

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