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

+ **CM(M) 2130/2024**

SHUBRHRO JYOTI MUKERJEE

..... Petitioner

Through: Mr. Debojyoti Bhattacharya and Mrs.
Momota C. Bhattacharya, Advs.

versus

ADITI ARORA MUKERJEE

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **15.03.2024**

CM APPL. 16098/2024—Exp.

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

CM(M) 2130/2024, CM APPL. 16099/2024--stay

3. The present petition under Article 227 of the Constitution of India has been filed challenging the order dated 05.02.2024 passed by the learned Judge, Family Court, South-West district, Dwarka Courts, New Delhi ('Judge, Family Court'), in HMA No.2636/2018 titled as "*Shubhru Jyoti Mukerjee vs. Aditi Arora Mukrjee*", whereby the learned Judge, Family Court has observed that the two applications are filed under Section 26 of the Hindu Marriage Act, 1955 ("HMA") and other under Section 151 Civil Procedure Code ("CPC") by the petitioner herein will be considered after disposal of the application under Section 24 HMA.
4. The learned counsel for the petitioner submits that the petitioner had



moved the application under Section 26 HMA in the month of January, 2023 which is pending disposal since then, however, the learned Judge, Family Court has taken up the application under Section 24 HMA moved on behalf of the respondent for hearing and has observed to decide the application under Section 26 HMA and 151 CPC of the petitioner thereafter which shall affect the rights of the minor child of the petitioner to meet. Thus, the learned Judge, Family Court be directed to dispose of the aforesaid applications along with application moved under Section 24 HMA by respondent.

5. Learned counsel further submits that the averments made in the application under Section 151 CPC are also to be raised at the hearing of the application under Section 24 HMA as same relates to objections made with respect to income and assets affidavit of respondent.

6. In view of the above, the learned Judge, Family Court is directed to hear the application under Section 151 CPC of the petitioner at its own convenience but to dispose of the same expeditiously. The learned Judge, Family Court is further directed to hear the application under Section 26 HMA along with the application under Section 24 HMA on the date already fixed before it i.e. 18.03.2024.

7. No further directions are required.

8. Accordingly, the petition along with pending applications stands disposed of.

SHALINDER KAUR, J.

MARCH 15, 2024
SDS