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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 149/2024 & CM APPL.26093/2024, CM APPL.26094/2024,**
CM APPL.26095/2024

RITEEJA KHUSHU

..... Appellant

Through: **Mr. Varun Singh, Mr. Atif Ahmad,**
Advocates

versus

ADIT ARORA

..... Respondent

Through: **Ms. Tara Narula, Advocate**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

03.05.2024

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1. The present appeal is filed under Order XLIII Rule 1 (R) read with section 151 CPC to challenge the order dated 26.04.2024 passed by the court of Sh. Pritam Singh, Judge, Family Court-01, South District, Saket Courts, Delhi.
2. The counsel for the appellant stated that the trial court has fixed the date to hear the arguments on the application under Order XXXIX Rule 1 & 2 CPC on 05.07.2024 and considering the urgent nature of the relief claimed in the application, it should have been considered/decided as early as possible.
3. Issue notice.
4. Ms. Tara Narula, Advocate appearing on advance notice stated that the order dated 26.04.2024 is not appealable order as such the present appeal



is not maintainable. It is further stated that the appellant should have made an application for early hearing before the trial court.

5. The present appeal is disposed of with the direction to the appellant to file an application for early hearing of application under Order XXXIX Rule 1 & 2 CPC within 02 days and thereafter, the trial court on filing of the said application, if any, shall decide the application under Order XXXIX Rule 1 & 2 CPC preferred by the appellant preferably within a period of 01 week.

6. The present appeal along with pending applications stands disposed of.

7. A copy of this order be sent to the trial court for information and compliance.

8. The appellant shall be at liberty to pursue the suitable remedies in case of being aggrieved by the order of the trial court while dispose of the said application under Order XXXIX Rule 1 & 2 CPC.

9. *Dasti.*

DR. SUDHIR KUMAR JAIN, J

MAY 3, 2024

j/abk/ak