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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decision delivered on: 11.07.2024+ **MAT.APP.(F.C.) 213/2024, CAV 312/2024 & CM Nos.38470-72/2024**

TEJINDER SINGH

.....Appellant

Through: Mr Giriraj Subramaniam and Mr
Simarpal Singh Sawhney, Advs.

versus

BEVERLEY SINGH

.....Respondent

Through: Mr Prosenjeet Banerjee, Ms Mansi
Sharma, Mr Prabhat Kumar, Ms
Anshika Sharma, Mr Sarthak
Bhardwaj and Ms Saumya Dwivedi,
Advs.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):****CAV 312/2024**

1. Since learned counsel for the respondent has entered appearance in the matter, the caveat stands discharged.

CM No.38472/2024

2. Allowed, subject to just exceptions.

CM No.38471/2024 [Application filed on behalf of the appellant seeking condonation of delay of 13 days in filing the appeal]

3. This is an application filed by the appellant seeking condonation of delay in filing the appeal.

3.1 According to the appellant, there is a delay of thirteen (13) days in



filing the appeal.

4. Mr Prosenjeet Banerjee, learned counsel, who appears on behalf of the respondent, says that he would have no objection if the delay in filing is condoned.

4.1 It is ordered accordingly.

5. The application is, accordingly, disposed of.

MAT.APP.(F.C.) 213/2024 & CM No.38470/2024 [*Application filed on behalf of the appellant seeking interim relief*]

6. Issue notice.

6.1 Ms Mansi Sharma accepts notice on behalf of the respondent.

7. This appeal is directed against the judgment and order dated 30.04.2024 passed by Mr Harish Kumar, Judge, Family Court, Patiala House Court, New Delhi.

8. With the consent of learned counsel for the parties, the appeal is taken up for hearing and final disposal at this stage itself.

9. The appeal is disposed of with the following agreed directions:

(i) The appellant will file a written statement within the next ten (10) days commencing from today.

(ii) Upon receipt of a copy of the written statement, the respondent will have liberty to file a replication. The replication will be filed within ten (10) days upon receipt of a copy of the written statement.

(iii) The matter will be listed before the learned Family Court on 05.08.2024 for framing of issues. Learned counsel for the parties will carry draft issues to the court to assist the learned Family Court Judge in framing the issues.

(iv) Once issues are framed on the date given above, the parties will file



their respective affidavits of evidence within ten (10) days.

(v) The learned Family Court Judge will, then, issue directions for the testimony of the witnesses. The learned Family Court Judge will have the discretion to decide as to whether the testimony of witnesses ought to be recorded in the presence or under the supervision of a Local Commissioner.

(vi) The learned Family Court Judge will endeavour to pass a final judgment, after the testimony of witnesses is recorded, on or before 31.12.2024.

(vii) An opportunity will be given to parties to address oral submissions and, if necessary, to file written submissions.

(viii) To expedite the conclusion of the matter on merits, Mr Giriraj Subramaniam, learned counsel, who appears on behalf of the appellant, says that applications preferred by the appellant under Order VII Rule 10 and Order VII Rule 11 of the Code of Civil Procedure, 1908 [in short, "CPC"] will not be pressed. The learned Family Court Judge will pass appropriate orders in those applications having regard to the statement made before us by Mr Subramaniam.

(ix) Furthermore, learned counsel for the parties assure the Court that no adjournment will be sought and they will refrain from filing applications (unless absolutely necessary), which would have an effect of derailing the trial.

(x) The learned Family Court Judge, pending conclusion of the trial, will also rule on the application preferred by the respondent for interim maintenance.

10. Given the procrastination displayed by the appellant in proceeding with the matter, we are inclined to impose costs on the appellant.



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11. The appellant will pay Rs.1,00,000/- towards costs to the respondent. The costs will be paid within the next ten (10) days.
12. The appeal is disposed of in the aforesaid terms. Consequently, the pending application shall stand closed.
13. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

JULY 11, 2024

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Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed By: PREM
MOHAN CHOUDHARY

Signing Date: 15.07.2024
17:57:02

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