



2024:DHC:6002-DB



\$~48

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

%

Date of decision: 05.08.2024+ **MAT.APP.(F.C.) 245/2024**

KANJIKA JAIN

.....Appellant

Through: Mr Yakesh Anand with Ms Sonam Anand, Mr Akshay Thakur and Ms S.L.Soujanya, Advocates.

versus

MOHIT MITTAL

.....Respondent

Through: None.

CORAM:**HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J.: (ORAL)****CM APPL. 44222/2024**

1. Allowed, subject to just exceptions.

MAT.APP.(F.C.) 245/2024, CM APPL. 44220/2024 [*Application filed on behalf of the appellant seeking interim relief*] **and CM APPL.44221/2024** [*Application filed on behalf of the appellant seeking permission to file additional documents*]

2. This appeal is directed against the order dated 08.05.2024, passed by the family court. The impugned order has been passed in an application preferred

Signature Not Verified

Digitally Signed By: TARUN
RANASigning Date: 12.08.2024
16:20:22

MAT.APP.(F.C.) 245/2024

Page 1 of 3



by the respondent under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 [in short, “CPC”].

3. It is not in dispute that the principal action before the family court concerns the petition preferred by the respondent under Section 12(1)(c) read with Section 13(1)(ia) of the Hindu Marriage Act, 1955 [in short “the Act”].

4. It appears that the respondent wishes to incorporate additional facts and subsequent events in support of the aforementioned divorce action. Broadly, there are two (02) aspects which the respondent wishes to bring to the fore:

(i) First, the insertion of the expression “adultery” based on the assertions made in the divorce petition.

(ii) Second, the subsequent events related to the proceedings initiated under the Protection of Women from Domestic Violence Act, 2005.

5. The family court has noticed that although the matter has been pending since 2018, the trial has not commenced.

6. Mr Yakesh Anand, learned counsel, who appears on behalf of the appellant, submits that the amendments allowed at this stage will prejudice the appellant.

7. We are told that the matter is listed before the family court on 13.08.2024.

8. The record shows that on the date when the impugned order was passed i.e., 08.05.2024, the appellant was granted thirty (30) days to file a reply to the amended petition.

8.1 Mr Anand says that a reply has not been filed.

9. The appellant has taken three (03) months to approach this court qua the



2024:DHC:6002-DB



impugned order dated 08.05.2024. Since, as noted above, the matter is listed on 13.08.2024, we would request the family court to ensure that the parties act within a timeframe that ought to be fixed in the matter.

10. Accordingly, the appeal is disposed of with the following directions:

(i) The family court will fix timelines for completion of pleadings, framing of issues and for filing affidavits-of-evidence. Dates will also be given for cross-examination of the witnesses.

(ii) The family court shall endeavour to conclude the proceedings before 31.12.2024.

11. The pending applications shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 5, 2024 /tr

Signature Not Verified

Digitally Signed By: TARUN
RANA

Signing Date: 12.08.2024
16:20:22

MAT.APP.(F.C.) 245/2024

Page 3 of 3