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

% *Date of decision: 08.01.2024*

+ **MAT.APP.(F.C.) 361/2023**

ABHEEPSA GUPTA & ANR.

..... Appellants

Through: Ms Veda Singh with Mr Akhilesh
Talluri, Advocates.

versus

POOJA SHARMA BAJAJ

..... Respondent

Through: Ms Malavika Rajkotia with Mr
Ramakant Sharma, Advocates.

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. 63542/2023

1. Allowed, subject to just exceptions.

MAT.APP.(F.C.) 361/2023 and CM APPL. 63541/2023 *[Application filed on behalf of the appellants seeking condonation of delay of 111 days in filing the appeal]* **& CM APPL. 879/2024** *[Application filed on behalf of the appellants seeking interim relief]*

2. This appeal is preferred against the order dated 06.06.2023, passed by the learned Judge, Family Court-02, South-East District, Saket Court, New Delhi.

3. Via the impugned order, the learned Judge has dismissed the



application preferred by appellant no.1, under Order VII Rule 11 of the Code of Civil Procedure, 1908.

4. Ms Malavika Rajkotia, learned counsel, who appears on behalf of the respondent, on instructions, says that the main concern of the respondent is that her action should proceed with expedition, and therefore, she would not be averse to the action being relegated to a civil court having jurisdiction in the matter.

5. Ms Veda Singh, Advocate, who appears on behalf of the appellants, says that if the concerned court, upon an appropriate application being moved by the respondent, transfers the action to the concerned civil court, the appellants would have no objection.

6. Given the submissions made before us by the learned counsel for the parties, the impugned order is set aside, with the caveat that upon an application being moved by the respondent, the action will be transferred to the concerned civil court having jurisdiction in the matter.

7. Pending applications shall stand closed.

8. The lower court record shall be returned to the concerned court.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JANUARY 8, 2024 / tr