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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 304/2024 & CM APPL. 54083/2024 –Delay 463 days.

NIKITA SHARMA

.....Appellant

Through: Mr. Vaibhav Vats, Adv. for appellant
from DHCLSC.

versus

VINAY JOSHI

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.10.2024

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1. The present appeal under Section 19 of the Family Courts Act, 1984 seeks to assail the order dated 02.05.2023 passed by the learned Family Court in HMA No. 848/2023. Vide the impugned order, the learned Family Court has allowed the second motion filed by the parties jointly under Section 13-B(2) of the Hindu Marriage Act, 1955 and has, consequently, dissolved the marriage between the parties. The appeal has been filed with an inordinate delay of 463 days.
2. After some arguments, learned counsel for the appellant, on instructions from the appellant, present in Court, submits that instead of pressing the present appeal, he will file an appropriate petition qua the rights/ maintenance of the minor child of the parties who is in the custody of the appellant mother.



3. The appeal alongwith pending application is, accordingly, disposed of as not pressed with liberty to the appellant to initiate appropriate proceedings qua the rights/maintenance of the minor child.
4. Needless to state, any such proceedings will be considered as per law.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 25, 2024
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