



2024:DHC:6611



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Order: 27.08.2024*+ **RFA 174/2024 & CM APPL. 14448/2024, CM APPL. 14449/2024, CM APPL. 14450/2024, CM APPL. 14451/2024, CM APPL. 41452/2024 and CM APPL. 41453/2024**

DHEERAJ BHARDWAJAppellant

Through: Mr. Anupam Dwivedi, Adv.

versus

MEENAKSHI PANDEYRespondent

Through:

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (ORAL)****CM APPL. 14449/2024 [*Exemption from filing certified/typed copies of annexures*]****CM APPL. 41453/2024 [*Exemption from filing certified/typed copies of annexures*]**

1. Allowed, subject to the Appellant filing certified/typed and legible copies of the annexures within four weeks.

2. The Applications are disposed of.

CM APPL. 14450/2024 [*Exemption from filing TCR*]

3. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and bookmarked in accordance with the rules of the High Court, within four weeks.

4. The Application is disposed of.



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RFA 174/2024 & CM APPL. 14448/2024 [Condonation of delay in filing of Appeal], CM APPL. 14451/2024 [Condonation of delay in re-filing the Appeal] and CM APPL. 41452/2024 [Seeking to place on record the additional documents]

5. The present Appeal has been filed against an Order/Judgment dated 06.05.2023 passed by the Principal Judge-Family Court, South-West, Dwarka, New Delhi [hereinafter referred to as the “Impugned Judgment”].

6. Briefly, the facts are that the Appellant had filed a suit seeking a declaration of marital status and of permanent mandatory injunction seeking enforcement of a Judgment passed by the Family Court at Wellington, New Zealand. The parties were married according to the Hindu Rights and Customs at New Delhi, India on 27.11.2015. Thereafter, the parties started residing in Auckland, New Zealand.

6.1 The Appellant had obtained an order dissolving the marriage of the parties on 23.05.2022 based on the ground of irreconcilable differences from the Family Courts at Wellington, New Zealand. It was this foreign judgment/order that a decree was sought for by the Appellant.

7. The learned Trial Court found that the judgment/order dated 23.05.2022 passed by the Family Courts at New Zealand, was not in terms of the grounds available under the Hindu Marriage Act, 1955. Relying on the Judgment of Supreme Court in *Y Narsimha Rao & Ors. Vs. Y. Venketa Lakshmi & Ors.; 1991 (3) SCC 451*, it had directed that the relief as prayed for by the Appellant could not be granted.

8. After some arguments, learned Counsel for the Appellant submits that the Appellant does not wish to challenge the Impugned Judgment. However, he seeks liberty of this Court to file appropriate proceedings for grant of a



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decree of dissolution of marriage between the parties.

9. The present Appeal is dismissed as withdrawn with liberty as prayed for, *albeit* in accordance with law.

10. All pending Applications are also disposed of.

TARA VITASTA GANJU, J

AUGUST 27, 2024/SA

Click here to check corrigendum, if any