



2024:DHC:7721



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 03rd October, 2024***+ **CM(M) 3532/2024 & CM APPL. 58063/2024, CM APPL. 58140/2024****SHILPI SHARMA**

.....Petitioner

Through: Mr. Balvinder S. Mouji, Advocate.

versus

PRAVEEN SHARMA & ANR.

.....Respondents

Through: Mr. Rajiv Mohan with Ms. Shalini Sinha, Advocates.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. Petitioner is defending a divorce petition filed by her husband and is aggrieved by order dated 21.03.2024 whereby her right to file written statement has been closed.
2. Though the petition has been registered as CM(M) but in the body of the petition, it has been mentioned as if it is an appeal filed under Section 19 of Family Courts Act, 1984.
3. Learned counsel for the petitioner states that it is an inadvertent typographical error and, for all practical purposes, this was only a petition which had been filed under Article 227 of the Constitution of India, as the order in question was not a final order.
4. Sh. Rajiv Mohan, learned counsel for the respondents appears on advance notice.



5. When asked, learned counsel for the respondents stated that though there is no illegality or perversity in the impugned order, without prejudice to his rights and contentions, he would have no objection if one final opportunity is granted to the petitioner to submit her written statement, *albeit*, subject to imposition of cost.
6. Keeping in mind the overall facts and circumstances of the case, the nature of the petition which the petitioner herein is defending before the learned Family Court and keeping in mind the gracious concession given by learned counsel for the respondent/husband, the present petition is disposed of with the direction that the petitioner herein would submit her written statement before the learned Trial Court within one week from today with advance copy to the opposite side. Simultaneously, for causing delay in the proceedings, she is also burdened with cost of Rs.10,000/- which shall also be cleared within one week from today before the learned Trial Court.
7. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 03, 2024/st