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

+ **MAT.APP.(F.C.) 330/2024**

RAJAT BANSAL

.....Appellant

Through: Ms. Ankita Tiwari, Mr. Abhishek
Tiwari, Advs

versus

NANCY GOEL

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **15.10.2024**

1. The present appeal under Section 19 of the Family Courts Act seeks to assail the order dated 19.09.2024 passed by the learned Family Court in HMA No. 2452/2023. Vide the impugned order, the learned Family Court has rejected the application filed by the appellant for recalling of order dated 21.03.2024 vide which the petition for divorce filed by the appellant was disposed of as withdrawn on the basis of settlement between the parties. We may note that the application which has been rejected under the impugned order was filed on the premise that the petition was sought to be withdrawn not because the parties had amicably settled, but only because the appellant wanted to file a restitution petition as against the divorce petition.

2. In the light of the admitted position that the appellant was present in Court on 21.03.2024 when the petition for divorce filed by him was



disposed of as withdrawn on the basis of settlement, the learned Family Court has not accepted the appellant's stand for recall of the said order dated 21.03.2024.

3. After some arguments, learned counsel for the appellant submits that instead of pressing the present appeal, the appellant will file an appropriate petition seeking restitution of conjugal rights as per law.

4. The appeal is accordingly disposed of as not pressed making it clear that in case the appellant moves a petition seeking restitution of conjugal rights the same would be considered on its own merits.

REKHA PALLI, J

DHARMESH SHARMA, J

OCTOBER 15, 2024/Ab