



\$~53

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

+ MAT.APP.(F.C.) 389/2024, CM APPL. 68936/2024 –Stay, CM APPL. 68937/2024 –Delay 129 days, CM APPL. 68938/2024 –Ex., CM APPL. 68939/2024 –Calling of TCR.

DR SUNIL KUMAR

.....Appellant

Through: Mr. Rajiv R. Mishra, Dr. Kumar
Jwala, Ms. Suruchi Yadav and Ms.
Surbhi Singh, Advs.

versus

DR ARCHANA

.....Respondent

Through: Mr. Rajesh Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

26.11.2024

%

1. The present appeal purportedly filed under Section 19 of the Family Courts Act, 1984 seeks to assail the orders dated 04.09.2023 and 25.04.2024 passed by the learned Family Court in HMA No. 1719/2022.
2. Vide the impugned orders, the appellant's right to file written statement has been closed and his prayer for recall of the order also stands rejected.
3. At the outset, we have put to learned counsel for the appellant as to how, in the light of the recent decision of the Full Bench in ***Dr. Geetanjali Aggarwal Vs. Dr Manoj Aggarwal*** 2024:DHC:7994-FB, the present appeal would be maintainable when the impugned orders are only procedural orders.



4. After some arguments, learned counsel for the appellant submits that instead of pressing the present appeal, the appellant will file a petition under Article 227 of the Constitution of India to assail the impugned orders. He, therefore, does not wish to press the present appeal.

5. In the light of the aforesaid, the present appeal is disposed of as not pressed and making it clear that it will be open for the appellant to avail of other appropriate remedies as available in law.

6. We make it clear that since this Court has not expressed any opinion on the merits of the grounds raised in the present appeal, while initiating any fresh proceedings, it will be open for the appellant to raise all grounds as permissible in law including the grounds raised in the present appeal.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 26, 2024/rr