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

+ MAT.APP.(F.C.) 420/2024, CM APPL. 73082/2024-Delay 4 days
CM APPL. 73083/2024-Delay 98 days in re-filing

PRASHANT NAGPAL

.....Appellant

Through: Mr. Puneet Kumar Agarwal,
Advocate

versus

DIVYA NAGPAL

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.12.2024

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1. The present appeal under Section 19 of the Family Courts Act, 1984 seeks to assail the order dated 14.05.2024 passed by the learned Family Court, South-East District, Saket, New Delhi, in SMA No.51/2019. Vide the impugned order, the learned Family Court has rejected the appellant's application under Order XII, Rule 6, CPC for passing a decree of divorce on the ground of cruelty.

2. After arguing the matter at length, learned counsel for the appellant seeks leave to withdraw the appeal but prays that the learned Family Court be directed to expedite the trial, which, he submits is held up because of the pendency of the respondent's application under Section 36 of the Special Marriage Act, 1954 (the 'Act') seeking interim maintenance, on which the learned Family Court is yet to pass any order.



3. In support of his plea, he submits that though the order on respondent's application under Section 36 of the Act was initially reserved on 19.08.2023, however, till date no order has been passed in this respect and the matter has been re-notified for arguments on the said application even though the presiding officer dealing with the matter has remained unchanged.

4. In light of this position, while dismissing the appeal as not pressed, the learned Family Court is requested to expedite the proceedings in the matter and pass an order on the respondent's pending application under Section 36 of the Act on or before 15.02.2025.

5. Learned Family Court will further ensure that no unnecessary adjournments are granted to any party.

6. The appeal, alongwith the pending applications, stands dismissed as withdrawn.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 12, 2024/So