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

+ **MAT.APP.(F.C.) 260/2018**

RASHMI

.....Appellant

Through: Mr. Bhupinder Mehtani,
Mr.Siddharth Mehtani & Ms. Kritika,
Advocates with appellant in person

versus

MANISH BHALLA

.....Respondent

Through: Mr. S. N. Gupta, Advocate with
respondent in person

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

07.11.2024

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1. The present appeal under Section 19 of the Family Court Act, 1984, seeks to assail the judgment and decree dated 16.07.2018 passed by the learned Family Court in HMA No. 56873/2016. Vide the impugned order, the learned Family Court has rejected the petition preferred by the appellant seeking divorce under Section 13(1) (i-a) of the Hindu Marriage Act, 1955.

2. Mr. S. N. Gupta, learned counsel for the respondent submits that as the parties have been residing separately for the last years, despite the allegations of cruelty levelled by the appellant being wholly false, the respondent has no objection to the marriage between the parties being



dissolved.

3. In the light of the stand taken by the respondent, we, in the peculiar facts of the present case, dispose of the appeal by setting aside the impugned order and directing that the marriage between the parties stands dissolved. Decree sheet be drawn up accordingly.

4. It is, however, made clear that this Court is not expressing any opinion on the allegations of cruelty levelled by the appellant and therefore this order will not be construed as this Court having accepted the allegations of cruelty levelled by the appellant against the respondent. It is further made clear that this order will not come in the way of the appellant pursuing her claim for maintenance against the respondent, which claim will be decided as per law.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 7, 2024/akr