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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAT.APP.(F.C.) 24/2025 & CM APPL. 3222/2025 –Stay., CM APPL. 3223/2025 –Delay 65 days., CM APPL. 3224/2025 –Ex.

PANKAJ KUMAR DAHIYA

.....Appellant

Through: Mr.Jitender Chaudhary with
Ms.Shilpa Chahan, Ms.Akanksha Bhatia, Advs.

versus

KIRAN PANWAR

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.01.2025

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1. The present appeal under Section 19 of the Family Courts Act seeks to assail the order dated 08.10.2024 passed by the learned Family Court, East District, Karkardooma Courts, Delhi in HMA No.1391/2023.
2. Vide the impugned order, the learned Family Court has while allowing the application under Section 24 of the Hindu Marriage Act(the Act) preferred by the respondent/wife, also allowed the appellant's application seeking withdrawal of his petition under Section 9 of the Act.
3. Learned counsel for the appellant submits that the impugned order is liable to be set aside as none of the submissions of the appellant's counsel opposing the respondent's application under Section 24 of the Act have been recorded in the impugned order. He submits that the



appellant's counsel had joined the proceedings through video conferencing and had made substantial arguments to oppose the respondent's application.

4. This fact that the learned counsel for the appellant had appeared before the learned Family Court on 08.10.2024 through video conferencing as claimed is, however, not borne out from the record as the impugned order specifically notes that none had appeared on behalf of the appellant despite repeated passovers.
5. When faced with this situation, learned counsel for the appellant seeks leave to withdraw the present appeal and submits that the appellant will approach the learned Family Court for correction of the said aspect by way of a review petition/application.
6. In the light of the aforesaid stand taken by the appellant, the appeal is disposed of as not pressed.
7. Needless to state, the appellant would be at liberty to file a review petition/application, the maintainability whereof will be considered by the learned Family Court on its own merits.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 20, 2025
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