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

+ **MAT.APP.(F.C.) 74/2025 and CM APPL. 10515/2025 –Int. relief**

PUSHKAR MAHATTA

.....Appellant

Through: Mr. R.S. Juneja, Mr. J.S. Juneja and
Mr. Shiv Kumar, Advocates.

versus

BHAVNA MAHATTA

.....Respondent

Through: Ms. Geeta Luthra, Senior Advocate
with Mr. Harish Malik, Mr. Adarsh Kothari and
Mr. Deepak Gupta, Advocates with respondent in
person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER
24.02.2025

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1. The present appeal under Section 19 of the Family Courts Act seeks to assail the order dated 23.12.2024 passed by the learned Family Court, Patiala House Courts, New Delhi in HMA No.440/2022. Vide the impugned order, the learned Family Court has dismissed the application preferred by the appellant under Order XII Rule 6 of the Code of Civil Procedure, 1908 by holding that the written statement filed by the respondent did not show that there was any admission by her of having treated the appellant with cruelty.

2. On 20.02.2025, when the present appeal was taken up for preliminary consideration, this Court had, after considering the submissions of the learned counsel for the appellant and perusing the impugned order, *prima facie* opined that there was no merit in the appeal. The matter was, however,



adjourned to enable the parties to make an endeavour to amicably resolve all its disputes.

3. Learned counsel for the parties submit that the parties have not been able to arrive at an amicable settlement. In these circumstances and taking into account the view already expressed by this Court that the learned Family Court was justified in rejecting the appellant's application under Order XII Rule 6 of the Code of Civil Procedure, 1908 for passing of a decree of divorce on the basis of the written statement filed by the respondent, we have no other option but to dismiss the appeal.

4. The appeal, alongwith the accompanying application, is accordingly dismissed.

5. We, however, make it clear that the observations made in the impugned order will not influence the outcome of the main petition i.e. HMA No.440/2022, which is still pending adjudication before the learned Family Court.

REKHA PALLI, J

RENU BHATNAGAR, J

FEBRUARY 24, 2025/uk