



\$~36

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

+ MAT.APP.(F.C.) 166/2025 & CM APPL. 26908/2025 (Delay of 206 days in filing the appeal)

LOVELY SHARMA

.....Appellant

Through: Mr Vivek Kumar Tandon, Ms. Lovie bagga. Ms Laxmi Gupta, Mr. Vipin bhardwaj, Ms.Pooja Giri, Advocates with appellant in person

versus

MANISSH JAISANI

.....Respondent

Through: Mr. Kartik Pachauri, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

31.10.2025

%

1. The present Appeal, under Section 19 of the Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, 1955 [“HMA”], impugns the Judgement and Decree dated 06.07.2024 passed by the learned Family Court in HMA No. 808/2019. By the said Judgement, the learned Family Court also decided the Petition bearing HMA No. 102/2021 filed by the Respondent herein as well.

2. In substance, by way of the Impugned Judgement, the learned Family Court has disposed of the separate petitions filed by the parties for the grant of a decree of divorce, and the marriage came to be dissolved as per the provisions under Section 13B of the HMA.

3. It is pertinent to note that rather than deciding both the petitions



on merits, the learned Family Court passed a decree of divorce by way of mutual consent under Section 13-B of the HMA, whereas there was no application to this effect.

4. It is evident that the basic essentials of section 13B of the HMA were not fulfilled, *inter alia*, Statements of the parties at the time of the first and second motion were never recorded. Hence, the impugned judgement is not sustainable in the eyes of law. Moreover, this issue is squarely covered by a Judgment of this Court in ***Upinder Kaur Malhotra v. Capt Teghjeet Singh Malhotra and Anr.***¹ decided on 24.09.2025.

5. Consequently, the present appeal is allowed and impugned Judgement and Decree is set aside.

6. Both the petitions are restored to their original HMA number before the learned Family Court. The parties, through their counsels, are directed to appear before the learned Family Court on 11.11.2025, while requesting the learned Family Court to make sincere endeavours for their expeditious disposal in accordance with law.

7. The present Appeal, along with pending application(s), if any, shall stand disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 31, 2025/ v/va

¹ 2025:DHC:8491-DB