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

+ MAT.APP.(F.C.) 213/2025, CM APPL. 35040/2025, CM APPL. 35042/2025 and CM APPL. 47833/2025

ANJALI

.....Appellant

Through: Ms. Saumya Dwivedi, Adv.

versus

BHARAT KASHYAP

.....Respondent

Through: Mr. Anuj Jain, Mrs. Monika Aggarwal, Mr. Jai Gaba and Mr. Ashish Sapra, Advs. with Respondent in person

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

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28.10.2025

1. Through the present Appeal, the Appellant [Respondent No.1 before the Family Court], assails the correctness of the orders dated 31.01.2025 and 09.04.2025 [hereinafter referred to as the 'Impugned Orders'], passed by the learned Family Court, Rohini District Court, Delhi [hereinafter referred to as 'Learned Family Court'] in HMA No. 563369/2016 [hereinafter referred to as the 'Divorce Petition'] titled as "*Bharat Kashyap v. Anjali Kashyap*", while dismissing her application for recall of orders passed on 18.10.2023, 14.08.2024 and 03.10.2024.

2. In substance, the Respondent's Petition seeking a decree of divorce on the ground that the Appellant is living in adultery has been pending adjudication for the last 09 years.

3. On 23.02.2024, the opportunity of the Appellant herein to



further cross-examine her Respondent was closed. The Appellant herein filed application before the Court for grant of another opportunity, which was allowed on 30.03.2024, subject to payment of cost of Rs. 10,000/-. Thereafter on 12.04.2024, the Appellant did not come forward to cross-examine the witnesses. The Respondent [Petitioner before the learned Family Court] examined witnesses, in support of his case. The Family Court has made the following observations in Paragraph 13 about the conduct of the Appellant herein:-

“13. The conduct of the respondent no. 1 is very much apparent from the record that she does not want to proceed with the case and is delaying the proceedings on one pretext or the other. On 26.09.2024, when the respondent no.1 was attending the proceedings through VC, she was very much aware that her right to cross-examine the witnesses had already been closed and the matter is at the stage of respondent's evidence and matter was adjourned for 03.10.2024 on her own submissions, however she had not made any submissions or filed any application for recalling that order and further on the next date, the respondent no.1 again did not appear before the court despite imposition of cost. Therefore, it is proved on record that the respondent no.1 was very much aware about the proceedings of the case and she is just delaying the proceedings of the case. In view of the above, the application u/s 151 CPC qua recalling of the order dated 14.08.2024 is dismissed. However, to safeguard the interest of the respondent no. 1 and also to balance the interest of both the parties, the order dated 03.10.2024 is recalled subject to the cost of Rs. 5,000/- payable to the petitioner.”

4. Learned counsel representing the Appellant submits that one opportunity should be granted to the Appellant to further cross-examine the Respondent and his witnesses.

5. This Court has considered the submission. It is evident that on 30.03.2024, the Court has already granted another opportunity, which has not been availed by the Appellant. Moreover, the Petition for seeking decree of divorce is pending for the last 09 years, though, expeditiously disposal of such cases is of paramount importance.

6. The Court finds that the learned Family Court has committed no



error in the Impugned Orders and, therefore, does not consider it appropriate to interfere with them.

7. The present Appeal along with pending applications is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 28, 2025/sp/dev