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

+ CM(M) 1737/2023, CM APPL. 55079/2023

SACHIN MALHOTRA

.....Petitioner

Through: Mr. Krishan Kumar, Adv. (Through
VC)

versus

YOGITA MALHOTRA

.....Respondent

Through: Mr. Subhash Chanda, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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13.08.2025

1. By virtue of the present petition, the petitioner seeks setting aside of the order dated 12.09.2023 passed by the learned Judge, Family Court, New Delhi, in HMA No.33/2023 titled “*Yogita Malhotra Vs. Sachin Malhotra*”, whereby the right of the petitioner to file written statement has been closed.

2. As per the case set up by the petitioner, as recorded in the order dated 04.07.2023 passed by the learned Trial Court, the petitioner was supplied with a copy of the complete paper book alongwith the annexures, only on 04.07.2023 when he was being represented by his erstwhile counsel, and a period of 30 days was granted for filing his written statement.

3. Thereafter, the erstwhile counsel for the petitioner fell ill and was bedridden for a period of six days. So much so, very soon he was even advised to undergo surgery on 22.08.2023 due to of pain and swelling and



he had to be admitted in the Apollo Hospital. The aforesaid facts are duly substantiated by medical documents.

4. In fact, learned counsel for the respondent candidly submits that he does not dispute any of the said facts.

5. For the reasons stated, as also considering the grounds urged on behalf of the petitioner *qua* the medical condition of the erstwhile counsel, the present petition is allowed and the impugned order dated 12.09.2023 is set aside.

6. Accordingly, by way of a last opportunity, the petitioner is granted 30 days from today for filing the written statement.

7. The petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

AUGUST 13, 2025/Ab