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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 330/2023, CM APPL. 57769/2023 (Stay) &
CM APPL. 12520/2024 (Dir.)

SHRADDHA GUPTAAppellant

Through: Ms. Nandita Rao, Sr. Adv. With
Mr. R. Bansal, Mr. Amit
Peswari, Ms. Sakshi Pareek,
Mr. Vinayak, Advs.

versus

SUMIT JAINRespondent

Through: Mr. Prosenjeet Banerjee and
Mr. Vikrant Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
26.11.2025

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1. This matter is taken up today as 25th November, 2025 was declared a holiday on account of the 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.
2. The present Appeal, filed under Section 19 of the Family Courts Act, 1984, partially challenges the **Judgment dated 03.10.2023** [**"Impugned Order"**] passed by the learned Judge, Family Courts, Patiala House Courts, Delhi in case being HMA 181/2023, titled "*Sumit Jain v. Shraddha Gupta*".
3. Learned counsel for the parties admit that there was no application filed by the parties under Section 13B of the Hindu Marriage Act, 1955 [**"HMA"**] for dissolving the marriage by mutual consent.



4. It is noticed that the Respondent filed a petition under Section 13(1)(ia), wherein, the Appellant, in her written statement also sought for dissolution of marriage under Section 13(1)(ia) raising various grounds seeking to establish cruelty by the Respondent. However, the learned Family Court has proceeded to grant decree of divorce under Section 13B of the HMA.

5. Neither a petition under Section 13B of the HMA came to be filed nor the statements of the parties in the first and second motion were recorded.

6. Consequently, the Impugned Order, being perverse, is set-aside in light of the Judgement pronounced by this Court in *Upinder Kaur Malhotra v. Capt. Teghjeet Singh Malhotra and Anr*¹.

7. The petition filed by the Respondent under Section 13(1)(ia) for dissolving the marriage by a decree of divorce is restored to its original number.

8. Parties, through their respective counsels are directed to appear before the learned Family Court on 04.12.2025.

9. Accordingly, the present Appeal along with pending application(s), if any, stands disposed of, in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 26, 2025/tk/kr

¹ 2025:DHC:8491-DB