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

+ **CM(M) 12/2024**

PRIYANKA

.....Petitioner

Through: Mr. Rajneesh Kapoor, Mr. S.S.
Rawat, Advs.

versus

SH. KAUSHAL KUMAR SHARMA

.....Respondent

Through: Mr. Sanjeev Soni, Mr. Mandeep
Singh, Mr. Rishabh Soni and Ms.
Srishti Jain, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.11.2025

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1. The petitioner has made the following assertions in the grounds taken by her in the present petition:

“v) Because the Ld. Trial Court has failed to consider that the petitioner stated in her cross examination that “she visit Psychiatry Department for treatment”, hence there is no required to refer the petitioner to be medically examined by the medical board for getting evaluated the chronic mental psychiatric ailment.

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viii) That the Ld. Trial Court totally failed to consider that there was no justification and lawful grounds and reasonable and probable cause for passing the impugned order, particularly when the petitioner herself admitted her mental status by admitting medical treatment documents.

ix) That the Ld. Trial Court has wrongly considered that “she is admitting her mental condition, is not acceptable to the court since the holistic reading of written statement filed



by the respondent/ petitioner herein) and her evidence recorded so far in the court show that there is no categorical admission by the respondent on her mental health.”

2. In view thereof, learned counsel for the petitioner submits that the impugned order needs to be set aside.
3. Learned counsel for the respondent submits that the Medical Board was constituted in view of the prevalent situation of the petitioner when the impugned order was passed, which, in view of the afore-going assertions the same has changed.
4. Therefore, in view of the aforesaid assertions made by the petitioner there is no need for the constitution of a Medical Board before the learned Family Court. As such, the parties need not be relegated to the rigours as per the impugned order dated 05.08.2023 passed by the learned Family Court. The same is, thus, set aside.
5. Needless to say, it shall be open for the parties to summon any witnesses for proving their respective case before the learned Family Court.
6. Learned Family Court is request to proceed with the appropriate proceedings as also deciding the pending applications as earliest as possible in accordance with law.
7. As such, the present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

NOVEMBER 12, 2025/Ab