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

+ MAT.APP.(F.C.) 310/2025 and CM APPL. 53871/2025

VANDANA SHARMA

.....Appellant

Through: Mr. Ashu Ralhan, Ms. Dolly
and Mr. Ravi Kumar, Advs.

versus

MOHIT SHARMA

.....Respondent

Through: Mr. DK Singh, Mr. Pankaj
Chauhan, Ms. Savita Singh, Mr.
Virender Rajput, Ms. Anuja
Thakur, Mr. Jeeshan and Ms.
Nandini Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ORDER

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04.11.2025

1. The present Appeal has been filed by the Appellant assailing the correctness of the Judgment dated 15.05.2025 [hereinafter referred to as 'Impugned Judgment'] passed by the Family Court-02, Shahdra, Karkardooma Courts, Delhi in HMA NO. 2232/2023 captioned ***Mohit Sharma v. Vandana Sharma***.

2. On 28.08.2025, the following Order was passed by this Court:

"CM APPL. 53872/2025 (Delay of 41 days in filing the appeal)"

1. By way of the present application filed under Section 5 of the Limitation Act, 1963, read with Section 151 of the Code of Civil Procedure, 1908, the Appellant seeks condonation of delay of 41 days in filing the present appeal.

2. For the sufficient reasons stated in the application, the delay is condoned.

3. Accordingly, the present application stands disposed of.

CM APPL. 53873/2025 (Ex. from filing certified copy of the



documents) & CM APPL. 53874/2025 (Ex. from filing the complete record of TCR)

4. Allowed, subject to all just exceptions.

5. The applications stand disposed of.

MAT.APP.(F.C.) 310/2025 & CM APPL. 53871/2025 (Stay)

6. The present appeal has been filed by the Appellant under Section 19(1) of Family Courts Act, 1984, read with Section 28 of Hindu Marriage Act, 1955, against the final Judgment and Decree dated 15.05.2025 passed by the learned Family Court, Karkardooma Courts, Shahdara District, Delhi in HMA No. 2232/2023.

7. Learned counsel appearing for the Appellant contends inter-alia that the Family Court adopted a novel/unique procedure to grant decree of divorce as the Family Court granted divorce only on the ground that the wife in a divorce petition filed by the husband stated that she does not want to reside with the Respondent.

8. Issue Notice.

9. Mr. Virender Rajput, learned counsel for the Respondent accepts notice and submits that, in the meantime, the Respondent has remarried.

10. Let Trial Court Record be requisitioned before the next date of hearing.

11. List on 04.11.2025 for final disposal in the category of "Supplementary List" matters."

3. Learned counsel representing the Respondent does not dispute the fact that no petition under Section 13B of the Hindu Marriage Act, 1955 was ever filed by the parties. Moreover, the Court did not record the statement of the parties in regard to the same, neither in the first motion nor in the second motion.

4. In fact this issue is squarely covered by a judgment of this Court in MAT. APP. (F.C.) 136/ 2025 captioned ***Upainder Kaur Malhotra v. Capt. Teghjeet Singh Malhotra and Anr.***

5. Accordingly, the Impugned Judgment is set aside while remitting the case back to the Family Court for deciding afresh. The Respondent through his counsel is directed to appear before the Family Court on 12.11.2025.



6. Learned counsel representing the Respondent submits that the Respondent has remarried and therefore, the present appeal is rendered infructuous.

7. This Court finds no force in the submission of learned counsel representing the Respondent because the Appeal is not rendered infructuous by mere fact that the Respondent has remarried. The correctness of the second marriage shall be examined by the Family Court.

8. In view of the aforesaid observations, the present Appeal, along with all pending applications, stands disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 04, 2025 sh/dev/ad