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

+ **MAT.APP.(F.C.) 331/2025, CM APPL. 57482/2025 and CM APPL. 57484/2025**

SAPNA GIYA

.....Appellant

Through: **Ms. Juhi Arora and Mr. Saral Arora, Advs.**

versus

DEEPAK GIYA

.....Respondent

Through: **Mr. Sanjeev Sahay, Mr. Archit Rajput, Mr. Karandeep Singh, Ms. Shagun S. and Ms. Nupur Singh, Advs.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

ORDER

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11.09.2025

CM APPL. 57485/2025 [For seeking condonation of delay in filing]

1. The present Application has been filed by the Appellant for seeking condonation of delay of 96 days in filing the present Appeal.
2. For the reasons as stated in the Application, the same is allowed.
3. The Application stands disposed of.

MAT.APP.(F.C.) 331/2025

4. The present Appeal has been filed by the Appellant under Section 19 of the Family Courts Act, 1984 assailing the Impugned Order dated 25.03.2025 passed by the learned Judge (West), Family Courts, Tis Hazari, New Delhi in HMA No. 89637/2016 captioned ***Deepak Giya vs. Sapna Giya.***

5. Ordinarily, the Appellate Court grants one opportunity to the Appellant to conclude her evidence; however, this case



proves/establishes that the process of the Court has been abused.

6. The evidence of the Appellant (Respondent before the Family Court) had been pending since 2020, and it took her two years to file her evidence by way of affidavit, which was eventually submitted in 2022. The Family Court had also closed her evidence *vide* Orders dated 24.11.2022 and 18.09.2024.

7. Subsequently, the Appellant filed an Appeal before this Court against the Order dated 18.09.2024. *Vide* Order dated 24.10.2024 of this Court, she was granted another opportunity to conclude her evidence and the Impugned order was set aside.

8. Thereafter, the Appellant was again given 9/10 opportunities, out of which she has only appeared 3/4 times.

9. Learned counsel representing the Appellant submits that on account of her medical condition, she is unable to hold urine for a long duration, which is creating a hindrance in appearing before the Court.

10. This Court has considered the medical report of the Appellant dated 24.03.2025, and it is evident that she has only led her evidence-in-chief. The witnesses produced by the Appellant are to be cross-examined by the Respondent (Petitioner before the Family Court).

11. Keeping in view the afore-stated facts, this Court does not find it appropriate to grant any further indulgence.

12. Hence, the Appeal, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 11, 2025/sg/er