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

+ CM(M) 1865/2025, CM APPL. 59992/2025-Stay, CM APPL. 59993/2025-Exp
VIKASH SHARMAPetitioner

Through: Mr. P.C. Jha, Advocate.

versus

NISHA

.....Respondent

Through: Ms. Kheyali Singh and Mr. Aslam Ahmed, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.10.2025

1. By virtue of the present petition, the petitioner/ husband seeks setting aside of the order dated 07.02.2025 as also the order dated 14.08.2025, passed by the learned Principal Judge, Family Courts, Shahdara, Karkardooma Court, Delhi in HMA petition bearing no.1259/2021, titled '*Nisha v. Vikash Sharma.*'

2. Without adverting to the merits involved, learned counsel for the respondent/ wife accepts notice. She submits that the petitioner was not appearing before the learned Family Court on 21.10.2024, 07.02.2025, 29.04.2025, 27.05.2025 and it was only on 30.06.2025 that he filed an application under *Order IX rule 7* of the Code of Civil Procedure, 1908 for setting aside of the order dated 07.02.2025, and further that in the *interregnum* evidence before the learned Family Court has also been concluded as also final arguments have also been addressed partly.

3. However, considering that the petition under *Section 13(ia)(ib)* of the Hindu Marriage Act, 1955 has been filed by the respondent herself



before the learned Family Court and the same is still pending, as also considering the passage of time she has no objection if the present petition is allowed, albeit, subject to imposition of costs.

4. Considering that the present proceedings are emanating from a matrimonial dispute *inter se* the parties, taking a lenient view of the factual situation in hand, it will be in the interest of the parties involved that in the peculiar facts and circumstances of the case, the orders dated 07.02.2025 and 14.08.2025 are set aside, however, subject to costs of Rs.50,000/- to be deposited by the petitioner in the bank account of the respondent in two equal instalments of Rs.25,000/- each on or before 25.10.2025 and on or before 15.11.2025 as per details below:

*HDFC Bank, NOIDA, Sector-50
SB a/c no. 50100016308872
IFSC Code-HDFC0000728*

5. At this stage, learned counsel for the petitioner assures this Court that the petitioner shall be represented on each and every occasion(s) and will not seek any unnecessary adjournments when HMA no.1259/2021 is listed before the learned Family Court.

6. In view of the aforesaid, the present petition alongwith the pending applications stands disposed of.

7. Since HMA no.1259/2021 is listed before the learned Family Court tomorrow, let this order be communicated by learned counsel for the parties.

SAURABH BANERJEE, J

OCTOBER 8, 2025/So