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

+ **MAT.APP.(F.C.) 337/2024**

SAGAR FAUJDAR

.....Appellant

Through: Ms. Pragya Prajit Singh, Mr.
Parv K. Garg, Mr. Laksh Saini,
Ms. Vidhi Gupta, Ms. Aarzu
Khattar, Ms. Jayita Verma and
Ms. Shriya Singh, Advocates.

versus

SHAILJA YADAV

.....Respondent

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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14.10.2025

1. The present Appeal, under Section 19 of the Family Courts Act, 1984, assails the correctness of the Order dated 07.09.2024 passed by the learned Judge, Family Court, South-West, Dwarka, New Delhi in CS No. 61/2024. By way of the Impugned Order, the learned Family Court dismissed the suit of the Appellant at the threshold.
2. The Plaintiff (Appellant herein) claims that there was a mutual consent Decree of Divorce granted by the learned Family Court, Denmark. He, thereafter, filed a suit for declaration seeking to declare that the Decree of Divorce granted by the learned Family Court, Denmark, dated 30.04.2024, is legally valid and binding in India.
3. While filing the suit, the Appellant/Plaintiff made the following prayers:



“ a) Pass such order to take the captioned matter into consideration.

And/Or

b) Pass a decree of declaration declaring the Mutual Divorce decree dated 30.04.2024 granted by the Family Court Denmark as valid and legally binding in India.

And/Or

c) Pass such other and further orders, as this Hon'ble may deem fit and proper in the facts and circumstances of the present case.”

4. The learned Family Court dismissed the suit without even issuing notice to the Respondent herein/Defendant, at the preliminary stage, with the following observations:

“I find that in a judgment relied upon by Ld. Counsel for plaintiff divorce decree was challenged by wife but here in present case there is no challenge by the defendant to the decree of mutual divorce, hence, judgment relied upon by Ld. Counsel for plaintiff is not applicable to present case.

Since there is no challenge to the mutual divorce decree by opposite party/ defendant, hence, this Court finds that there is no cause of action for filing the present suit by husband/plaintiff for declaration of mutual divorce decree as valid and binding.

Hence, plaint is rejected u/O VII R 11 CPC.”

5. Learned counsel appearing for the Respondent/Defendant submits that the Decree of Divorce by the learned Family Court, Denmark, was not by way of mutual consent and it cannot be recognised in India.

6. It is evident that the present case requires adjudication only after an opportunity has been granted for leading evidence upon filing the pleadings by the parties.

7. Evidently, the learned Family Court has rejected the plaint in exercise of its powers under Order VII Rule 11 of the Civil Procedure Code, 1908. There was no occasion for the learned Family Court to record that there is no challenge by the Defendant to the Decree of mutual Divorce without issuing notice to the Defendant and calling



upon her to file her defence.

8. Hence, on this short ground, the Impugned Order is set aside while restoring the suit to its original number.

9. The Parties, through their counsels, are directed to appear before the learned Family Court on 06.11.2025.

10. The present Appeal, along with pending application(s), if any, is disposed of in the aforesaid terms.

ANIL KSHETARPAL, J

HARISH VAIDYANATHAN SHANKAR, J
OCTOBER 14, 2025/Pa/her/va