



2025:DHC:2709-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 17.04.2025***

+ MAT.APP.(F.C.) 418/2024 AND CM APPL. 72809/2024

SH NITIN CHOPRA

.....Appellant

Through: Ms. Jyoti Sharma, Mr. R.D Singh, Mr. Prateek Jindal, and Ms. Simran Bhatti, Advs.

versus

SMT GEETA CHOPRA

.....Respondent

Through: Ms. Megha Malhotra, Adv.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (ORAL)**

1. This appeal has been filed by the appellant, challenging the Order dated 14.11.2024 passed by the learned Judge, Family Court-02, South-East District, Saket Courts, New Delhi (hereinafter referred to as, 'Family Court') in Guardianship Petition No. 87/2023, titled ***Geeta Vohra v. Nitin Chopra***, dismissing the application filed by the appellant seeking condonation of delay of more than 260 days in filing of the Written Statement.

2. The learned counsel for the appellant submits that a Guardianship Petition, being GP No. 69/2022, was earlier, in December 2022, filed by the respondent before the learned Family Court, East District Karkardooma Courts, Delhi . She submits that on 30.05.2023, in the said Guardianship Petition, the appellant raised an



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objection on the territorial jurisdiction by stating that the said petition has been filed without mentioning the clause pertaining to the territorial jurisdiction. It is pointed out that there was also concealment of the litigation going on between the parties in the courts in the South-East District, where another Guardianship Petition pertaining to the minor daughter was pending.

3. She submits that the appellant, therefore, filed a transfer petition, being TR.P.(C) 105/2023, before this Court. Consequently, this Court, *vide* Order dated 11.08.2023, transferred the GP No. 69/2022 to the learned Family Court, South-East District, Saket Courts, New Delhi.

4. The learned counsel for the appellant further submits that the appellant was under the impression that the respondent would now file an amended Guardianship Petition and because of this, the appellant did not file the Written Statement. She further contends that it is only when the learned Family Court, in its Order dated 25.10.2023, pointed out that the Written Statement needs to be filed, that the appellant filed the same on 06.12.2023. She further submits that for this delay in filing of the Written Statement, the appellant should not be penalized and an opportunity should be given to the appellant to state his case.

5. On the other hand, the learned counsel for the respondent submits that the appellant has been delaying the adjudication of Guardianship Petition on one pretext or the other. She further states that the appellant first got the Guardianship Petition transferred to learned Family Court, South-East District, Saket Courts, Delhi, and then stopped appearing before the said Court. She submits that if the



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delay in filing of the Written Statement by the appellant is to be condoned, the appellant should be penalized with exemplary costs.

6. We have considered the submissions made by the learned counsels for the parties.

7. We find that the Guardianship Petition filed by the respondent was transferred to the learned Family Court, South-East District, Saket Courts, Delhi, on the Transfer Petition filed by the appellant himself. However, when the case was assigned to the transferee court on 20.09.2023, none appeared for the appellant. On 25.10.2023, the appellant sought time to file the Written Statement along with the application seeking condonation of delay. The same, however, was filed only on 06.12.2023, that is with further delay.

8. Be that as it may, due to the peculiar fact of the transfer of the Guardianship Petition and its listing before the Transferee Court, we find that the delay was not substantial enough to deny the appellant an opportunity for stating his case. The application should have been allowed subject to certain conditions, rather than denying the appellant the opportunity of stating his defence.

9. Accordingly, we set aside the Impugned Order dated 14.11.2024, and direct that the Written Statement filed by the appellant be taken on record in the above stated Guardianship Petition, however, subject to appellant paying costs of Rs. 40,000/- to the respondent within a period of four weeks from today.

10. We make it clear that in case the costs are not paid by the appellant to the respondent within the stipulated time, the Written Statements shall not be taken on record and the Guardianship Petition



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shall proceed without granting further opportunity to the respondent to file the same.

11. In the aforesaid terms, the appeal along with pending application, stands disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 17, 2025

p/kg/SJ

Click here to check corrigendum, if any