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

+ **CM(M) 4078/2024**

JAGDEEP SHRIVASTVA

.....Petitioner

Through: Mr. Prateek Singh, Advocate
versus

ANJALI SHRIVASTVA

.....Respondent

Through: Mr. Gurjeet Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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28.01.2025

CM APPL. 73081/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of. ‘

CM(M) 4078/2024

1. This is a petition under Article 227 of the Constitution of India, impugning the orders dated 06.05.2024, 29.07.2024 & 26.09.2024, passed in HMA 87/2021, titles as “Jagdeep Srivastava Vs. Anjali Srivastava by the learned Principal Judge, Family Court.
2. The petitioner filed a divorce petition against the respondent under Section 13 (1) (ia) of the Hindu Marriage Act, 1955.
3. A perusal of the order dated 06.05.2024 reveals that petitioner did not file his affidavit of assets and liabilities in terms of the judgment of the Hon’ble Supreme Court in **Rajnish Vs. Neha & Anr. (2021) 2 SCC 324,** despite directions, and therefore, the trial court granted him one more



opportunity for filing the same within a period of three weeks with an advance copy to the other side subject to cost of Rs. 3000/- payable by the petitioner to the respondent.

4. On the next date i.e. 29.07.2024, affidavit was again not filed and rather an application was filed for the waiver of cost on the ground that the main counsel was engaged in some other proceedings before the High Court. The trial court took note that the particulars of the case, in which the said counsel was busy, were not mentioned in the waiver application and the application was in fact not even bearing the requisite court fees. The Court took note that cost was imposed on account of non-filing of affidavit of assets and liabilities. The trial court also took note of the careless and negligent conduct of the petitioner in the proceedings and dismissed the application for waiver of cost with a further cost of Rs. 5000/- for causing delay with direction to transfer the cost money in the account of the petitioner within a period of four weeks. The trial court further directed the petitioner to file the said receipt along with an affidavit of petitioner regards assets and liabilities.

5. Petitioner did not comply the said order as per directions. In fact the affidavit, which was supposed to be filed within four weeks, was actually filed before the Court on the next date i.e. 26.09.2024. The affidavit was taken on record subject to further cost of Rs. 2000/-.

6. Learned counsel for the respondent submits that till date, petitioner has not made full payment of cost.

7. Learned counsel for the petitioner submits that assets and liabilities affidavit could not be filed in time because of delay in receipt of documents from the bank.



8. *Per contra*, learned counsel for the respondent submits that there is no justification for delay in filing such affidavit.

9. Perusal of the trial court order reveals that petitioner had been continuously taking adjournments and not been filing the affidavit of assets and liabilities despite repeated directions. Obviously, therefore, the Court had no option but to impose cost. There is no justification for the waiver of cost.

10. There is no illegality or perversity in the orders dated 06.05.2024, 29.07.2024 & 26.09.2024 passed by the trial court.

11. That being so, there is no merit in the present petition. The same is accordingly dismissed.

RAVINDER DUDEJA, J.

JANUARY 28, 2025

RM/n