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

+ MAT.APP.(F.C.) 435/2025, CM APPL. 81458/2025 (Stay), CM APPL. 81459/2025 (Ex. from filing the complete TCR), CM APPL. 81460/2025 (Ex. from filing certified copies of the annexure A-1 to A-18 & A-20) & CM APPL. 81461/2025 (Ex.)

ROSHANI

.....Appellant

Through: Mr. Ankur Chhibber & Mr.
Nikunj Arora, Advs.

versus

KHAMESH

.....Respondent

Through: Mr. Rajat Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

22.12.2025

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1. The present appeal has been filed on behalf of the Appellant under Section 19(1) of the Family Courts Act, 1984 read with Section 28 of the Hindu Marriage Act, 1955 against the Orders dated 02.10.2025 and 01.05.2025 passed by the learned Family Judge, Family Court, South West, Dwarka in HMA No. 157/2019 titled *Khamesh v. Roshani*.

2. After addressing arguments for some time, and upon the learned counsel for the Appellant realising that an Application under Order IX Rule 7 of the Code of Civil Procedure, 1908 is required to be filed for setting aside the *ex-parte* proceedings, the learned counsel, seeks leave of this Court to withdraw the present Appeal with liberty to file an



appropriate application before the learned Family Court.

3. Liberty is granted.

4. Accordingly, the present Appeal along with pending application(s), if any, is dismissed as withdrawn.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 22, 2025/v/kr/dj