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

\# **CNR No. DLHC010083602026**

\+ CM(M) 486/2026 & CM APPL. 14627/2026 (Stay)

SH. RAHUL KUMAR SINHA .....Petitioner

Through: Counsel (Appearance not given).

versus

SMT. SHIVANI MEHTA .....Respondent

Through: Mr. Abhimanyu Kumar, Ms. Divya Tripathi, Mr. Yash Saxena and Ms. Beauty Singh Saxena, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% 05.10.2026

1. The present Petition, filed under Article 227 of the Constitution of India, 1950, seeks the following reliefs:-

> "(a) Call for the record of the case bearing no. HMA No. 2984/2022, titled as 'Smt. Shivani Mehta Vs. Sh.Rahul Kumar Sinha' pending before the court of Sh. Hem Raj, Judge, Family Court, North- West, Rohini Courts, Delhi;
> (b) Set aside the impugned order dated 29.10.2025 passed by Sh. Hem Raj, Judge, Family Court, North- West, Rohini Courts, Delhi in HMA No. 2984/2022 titled as titled as 'Smt. Shivani Mehta Vs. Sh. Rahul Kumar Sinha' after examine the legality and validity of the impugned order;
> (c) Direct the Learned Family Court to take the counter-claim on record and adjudicate the same in accordance with law;
> (d) Pass such further order/s as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. Learned counsel appearing on behalf of the parties, on instructions, jointly submit that the impugned Order may be set aside and the matter be remanded back to the learned Trial Court for

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consideration of the issue arising in the present Petition in accordance with law. It is further jointly submitted that the aforesaid issue may be considered and decided by the learned Trial Court in an expeditious and time-bound manner.

3. In view of the aforesaid consensus, this Court is of the view that the Impugned Order dated 29.10.2025 be set aside. The matter is, accordingly, remanded to the learned Trial Court to consider, in accordance with law, whether the counter-claim filed by the Petitioner herein is liable to be taken on record, particularly in view of the fact that the relief sought and as submitted by the Petitioner is confined to the relief of restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955.

4. The learned Trial Court is requested to undertake the aforesaid exercise and pass an appropriate order within a period of six (06) months from today.

5. Accordingly, the present Petition, along with pending Application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 05, 2026/tk/ma

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