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

\# **CNR No. DLHC010304142026**

\+ MAT.APP.(F.C.) 241/2026, CM APPL. 73597/2026

RADHIKA ASTHANA .....Appellant

Through: Mr Puneet Asthana, Advocate.

versus

SAGAR SRIVASTAVA .....Respondent

Through: Mr. Raj Vikram Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MS. JUSTICE RENU BHATNAGAR

O R D E R

% 03.11.2026

1. The instant appeal has been filed under Section 19 of the Family Courts Act, 1984, read with Section 28 of the Hindu Marriage Act, 1955 (hereinafter referred as 'HMA') challenging the Order dated 11.03.2025 passed by the learned Family Court, Lucknow, under Section 14 of the HMA, whereby the learned Family Court, allowed the application seeking exemption from the statutory period prescribed for filing a petition for divorce and granted permission to the respondent to institute a petition under Section 13(1) of the HMA. The relevant observations and directions of the learned Family Court are reproduced hereinbelow:

> *"In such a situation and in the light of the above circumstances, it is clear from the grounds mentioned that the present case is*

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related to extraordinary hardship suffered by the applicant, due to which the application is maintainable and on the basis of the said application, exemption to the applicant from the prescribed time period for filing divorce petition under Section 13 of the H. V. Act appears to be reasonable, appropriate and appropriate. Accordingly, the application dated 11.03.2025 is liable to be accepted under Section 14 of the H.V. Act.

ORDER

The application dated 11.03.2025 under Section 14 of the H.V. Act is accepted in the interest of justice and the applicant is granted permission to file a petition under Section 13(1) of the H.V. Act for the dissolution of the marriage solemnized with the respondent on 17.10.2024. The original petition should appear for hearing on the point of admissibility on 17.03 .2025 at 2pm."

2. A perusal of the record further reveals that the appellant approached the Hon'ble Supreme Court by way of Transfer Petition (Civil) No. 1580/2025, wherein, *vide* order dated 05.08.2025, the entire matter pending before the learned Principal Judge, Family Court, Lucknow, Uttar Pradesh, was transferred to the Court of the learned Principal Judge, Family Court, Patiala House Courts, New Delhi.

3. Heard learned counsel for the parties.

4. A perusal of the impugned Order reveals that the said application under Section 14 of the HMA was allowed without issuing notice to the appellant herein. The learned Family Court proceeded to record findings and grant relief without giving an opportunity to the appellant to present her case. The impugned Order, therefore, cannot be sustained and is, accordingly, set aside.

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5. However, having regard to the fact that the proceedings already stand transferred to the Family Court, Patiala House Courts, New Delhi, it is directed that the petitioner so transferred shall be treated as a petition seeking divorce under Section 13(1) of the HMA and shall proceed in accordance with law as regular matrimonial cause. Parties shall be at liberty to contest the same in accordance with law.

6. In view of the aforesaid, the appeal along with pending application stands disposed of.

7. It is clarified that this Court has not expressed any opinion on the merits of the matrimonial dispute, and all contentions of the parties are left open to be urged before the learned Family Court in accordance with law.

8. The next date of hearing, i.e., 30.11.2026, stands cancelled.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

NOVEMBER 3, 2026
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