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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 989/2025 & CM APPL. 32732/2025

XXXXXX XXXXX

.....Petitioner

Through: Ms. Sonal Singh and Mr. Gaurav
Kumar, Advocates.

versus

XXXXXXX XXXXX

.....Respondent

Through: Mr. Bhumit Solanki & Mr. Chaitanya,
Advts.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.01.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 227 of the Constitution of India, 1950, read with Section 151 of the CPC seeks following prayers:-

“(a) To Set aside the order dated 05.03.2025 passed by the Ld. Family Court, Patiala House Court in HMA no. 1/24 vide, and

(b) To further pass an order for the expunction of the entire section under the heading “additional grounds on behalf of the petitioner” containing paras 1 to 13 from the replication filed by the respondent/husband in HMA no. 1/25 and order for the expunction of the paras 2, 7, 8, 10, 15, 19, 22, 24, 27, 28, 29, 30, 32, 40, 44, 45, 47, 49, 51, 52, 57 from the section with heading “reply to preliminary objections”, and for the expunction of paras 14, 18, 33, 46 from the section with heading “para wise replication” and,

(c) To further granting four weeks’ time to file additional written statement in reply to the remaining pleadings of the replication as the impugned order dated 05.03.2025, or



(d) Pass any other order necessary, which this Hon'ble court deems fit and proper in the facts and circumstances of the case.”

3. *Vide* the impugned order, the learned Family Court, Patiala House Courts, New Delhi, had dismissed application under Order VI Rule 16 and Order VI Rule 7 of the CPC filed on behalf of the petitioner, seeking striking out and expunction of certain parts of the pleadings made for the first time in the replication filed by the respondent.

4. Respondent had filed a petition, HMA 1/2024, seeking dissolution of marriage with the petitioner, on the ground of cruelty under Section 13(1)(ia) of the HMA on 26.03.2022. The petitioner had filed a written statement to the said divorce petition on 29.01.2024. The respondent, thereafter, filed replication to the written statement filed by the petitioner on 27.08.2024, wherein alleged remarks were made by the respondent under heading of the “additional grounds” and “reply to preliminary objection”.

5. Learned counsel for the petitioner submits that the allegations made in the paragraphs as cited in the prayer clause are insinuating, false, scandalous, vexatious and deserve to be struck out from the pleadings of the subject divorce petition. It is further submitted that the alleged events pleaded in the replication are events which took place prior to the marriage between the parties, and by way of the same, the respondent has set up an entirely new case. It is further submitted that the respondent had sought divorce on the ground of cruelty, and in view of the same, the learned Family Court had erred in dismissing the application under Order VI Rule 16 filed by the petitioner. Reliance has been placed on **Rekha Singal v. Lavleen Singal, 2002 SCC OnLine Del 60: 96 (2002) DLT 289**, in support of the present petition to



contend that, in similar circumstances, learned Coordinate Bench of this Court had expunged the averments/remarks made by the respondent therein, in the pleadings of the said case.

6. *Per contra*, learned counsel for the respondent has submitted that the facts stated by the latter in his replication are necessary for the adjudication of the divorce petition filed by the respondent and the same have been pleaded as additional grounds in the subject petition. It is further submitted that the alleged events stated in the replication have occurred after the marriage between the parties was consummated, and therefore, the same can be pleaded by the respondent in his divorce petition.

7. Heard learned counsels for the parties and perused the records.

8. This Court, in the present petition, has to examine if the allegations sought to be struck off/expunged from the divorce petition, are relevant and necessary for just and proper adjudication of the divorce petition or are scandalous, insinuating, vexatious and irrelevant.

9. Learned Coordinate Bench of this Court in **Rekha Singal** (*supra*) had observed and held as under: -

“7. The said allegations are undoubtedly serious in nature and may also be termed as scandalous or insinuating but the question to be answered is as to whether the same are relevant for the purpose of adjudication of the petition and should be allowed to remain on record. There is no denial of the legal position that in a petition for dissolution of marriage, based on the ground of cruelty, the petitioner has to succinctly state the events and instances which according to the petitioner constitute cruel conduct within the meaning of Section 13 (1) (1a) of the Hindu Marriage Act but such instances of cruel conduct must, however, relate to a period after the solemnisation of the marriage and not prior thereto. There is also no doubt that any conduct of the spouse which points to his/her extra marital relations would be



the conduct amounting to utmost cruelty to the other spouse. Judging above referred allegations in this light, this Court is of the opinion that so far as the allegations which form part of paras 4.4 and 4.6 of the petition which pertains to the alleged conduct of the wife prior to the solemnisation of the marriage cannot be said to be relevant for the just and effective adjudication of the divorce petition. These allegations are, therefore, irrelevant besides being scandalous and, therefore, are liable to be deleted from the petition. Yet another reason why the Court should not permit the retention of these allegations is the alleged person with whom the wife is stated to have been sexually involved has not been made a party in the divorce petition. So far as other allegations contained in paragraphs 4.16 4.18 and 4.23 are concerned, this Court is of the opinion that the allegations no doubt being of serious nature and tend to be scandalous but as they are attributable to the conduct of the wife after solemnisation of the marriage may be considered to be the instances of cruel conduct for establishing the ground of cruelty on which the petition for divorce has been filed. The said allegations no doubt vaguely suggest that the wife might be indulging in extra-marital relations, but it is not categorically alleged that the wife having had after solemnisation of the marriage voluntarily sexual intercourse with any person other than the husband. Accordingly these allegations are not liable to be deleted and can be allowed to be retained in the petition.”

(emphasis supplied)

10. The subject divorce petition had been filed seeking dissolution of marriage with the petitioner on the ground of cruelty. It is also a matter of record that the alleged person with whom the petitioner is suggested to have an affair before the marriage was solmenized has not been made a party in the divorce petition. This Court has perused the replication filed by the respondent and the relevant averments which are irrelevant for the adjudication of the subject divorce petition, and need to be struck out from the pleadings have been reproduced as under: -

“Under the heading, ‘Reply to Preliminary Objection’



In **para No.2**, “The father of the respondent is a dismissed Delhi Police employee and the father of the petitioner was serving in Delhi Police”.

In **para No.7**, “There was some affair and then a dispute between the family of respondent and the boyfriend of the respondent, therefore, the father of respondent lured the petitioner’s family into this trap and then got the petitioner married to respondent”.

In **para No.19**, “The father of the respondent approached the father of the petitioner, he informed that the thieves were his clients and therefore the petitioner should not proceed in said the FIR.” and “Later, it was also brought to the notice of the petitioner by one of the paternal uncle of the respondent that the father of the respondent on one occasion had killed his cows to claim insurance money from the insurance agency”.

In **para No.47**, “Whereas, the father of the respondent has committed insurance fraud by killing his own cows for some money, further, he is dismissed constable, who was never reinstated”.

In **para No.49**, “The grounds of divorce in the first marriage of the brother of the respondent was impotency and hence this apprehension”.

Under heading, ‘Para-Wise Replication’

In **para No.14**, “ It is specifically stated that the respondent was having an affair before the marriage due to which the family of the petitioner was lured and forced by the respondent’s father to marry the respondent. The same affair continued even after the marriage”.”

11. The aforesaid allegations against the petitioner, her brother, and father are irrelevant and should be struck off.
12. *Sequitur*, the present petition is partly allowed.
13. The impugned order dated 05.03.2025, to the extent of dismissal of



application under Order VI Rule 16 and Order VI Rule 7 of the CPC filed on behalf of the petitioner, is set aside. The application of the petitioner under Order VI Rule 16 read with Section 151 of the CPC is allowed to the extent that the allegations/averments, as noted hereinabove in *para 10 supra*, under heading, 'Reply to Preliminary Objection' in paragraph Nos. 2, 7, 19, 47, 49 and paragraph No. 14 under heading, 'Para-Wise Replication' are struck off from the replication filed on behalf of the respondent. The respondent is directed to make requisite amendments in his replication filed before learned Family Court within four weeks from the date of passing of this order. The petitioner is at liberty to file additional written statements in response to the replication filed on behalf of the respondent within a period of two weeks thereafter.

14. Copy of the order be sent to learned Family Court, Patiala House Courts, New Delhi, for necessary information and compliance.

15. Pending application(s), if any, also stands disposed of accordingly.

AMIT SHARMA, J

JANUARY 20, 2026/bsr/ns