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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAT.APP.(F.C.) 250/2025, CM APPL. 40942/2025 & CM APPL. 40943/2025**

**ANIKA BHAGAT & ANR.**

.....Appellants

Through: Mr. Ajay Awasthi, Kunal Singh,  
Ayush Upadhyay, Advs.

versus

**AMIT BHAGAT**

.....Respondent

Through: Mr. Syed Fazl Askari, Mr. Vaibhav  
Mishra and Mr. Sameer Jain, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE VIVEK CHAUDHARY**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**ORDER**

% **17.02.2026**

**MAT.APP.(F.C.) 250/2025**

1. The present appeal has been filed under Section 19(1) of the Family Courts Act read with Section 151 of the Code of Civil Procedure, 1908 challenging the Order dated 08.04.2025 passed by learned Judge, Family Court-02 (East Delhi), Karkardooma, New Delhi in the matter of HAMA No. 07/2022, titled as "**ANIKA BHAGAT & ANOTHER VS. AMIT BHAGAT**", whereby the learned Family Court has recalled the Order dated 06.01.2024, *vide* which the respondent/husband was proceeded *ex parte*.

2. Learned counsel for the appellant submits that the respondent's conduct was deliberate and intended to delay the proceedings. It is contended that the explanation offered by the respondent for his default did not warrant the indulgence granted by the learned Court, particularly since the application filed by the respondent before the learned family court did not even disclose



the name of the counsel whose alleged lapse prevented the respondent from entering appearance on the relevant date.

3. Per contra, learned counsel for the respondent submits that substantial costs have already been imposed upon the respondent *vide* impugned order passed by the learned family court for his default, which, according to him, was unintentional.

4. It is further submitted that, as both parties are present before the Court, the matter may be permitted to proceed on merits by allowing the respondent/husband to contest the case in accordance with the law.

5. He further undertakes that no unnecessary adjournments will be sought in future and that the respondent will extend full cooperation in the conduct of the proceedings before the court.

6. Heard. We have perused the record of the case. At the outset, we observe that the manner in which the respondent has pursued the matter is not appreciable. However, we are not inclined to interfere with the impugned order whereby the learned family Court has recalled the order dated 06.01.2024 and permitted the respondent/husband to contest the case on merits. The cost of Rs. 25,000/-, as imposed by the learned family court *vide* Impugned Order by way of compensation, has been paid to the appellant/wife, who is present in-person, through demand draft today, under the Orders of this Court.

7. It is further clarified that henceforth no unnecessary adjournment shall be granted by the Family Court to either of the parties. The learned Family Court shall endeavour to take up the case expeditiously and fix the date as early as possible for hearing.

8. In the event the respondent fails to appear in future, the Court shall



proceed strictly in accordance with law and shall also take into consideration the orders passed today by this Court.

9. In view of the above, the appeal, along with pending applications, if any, stands disposed of.

**VIVEK CHAUDHARY, J**

**RENU BHATNAGAR, J**

**FEBRUARY 17, 2026/rs/ht/KZ**