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

+ **CRL.M.C. 6290/2024 & CRL.M.A. 24074/2024**

MS. SMRITI BHATIA & ANR.

.....Petitioners

Through: None

versus

MS. RADHA BHATIA & ANR.

.....Respondents

Through: Mr Milind Jain, Mr Virender Mehta,
Mr Prashant Mendiratta, Mr Aseem
Chaturvedi and Mr Kunal Mehta,
Advocates

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **15.04.2026**

1. No one is present for petitioners when the matter was taken up on 01:25PM.
2. On the last date of hearing also, adjournment was sought and the proxy counsel had not given appearance.
3. In the meantime, learned counsel appearing on behalf of the respondents places on record the copy of the CA No. 180/2024 which has become infructuous. Relevant paragraph of the same is reproduced as under:-

“18. In the present case, the impugned order dated 21.05.2024 does not show that LD. MM (Mahila Court-01) considered the entire material. Ld. MM passed the order of summoning holding that the complaint was prima facie a victim of economic abuse. It is matter of records that an application dated 16.12.2023 u/s. 28(2) of DV Act seeking leave to withdraw prayer in para 8(iv) of the complaint under



DV Act was moved. Para 8(iv) of the prayer read as, “prohibiting the Respondents from alienation / disposal/ encumbrance of any and all movable land immovable assets and / or any ancestral property; as well as any stake holding (including, inter alia, shareholdings and directorship) of any kind in the entities / companies forming the Bird Group as defined in para 4, in any form, belonging to them whether jointly, severally or individually, without this Hon’ble Court’s permission.” The said application was not considered while passing the impugned order. The order also does not reflect as to whether the Ld Magistrate considered the allegations of verbal abuse, interference in peaceful living in shared household and mental harassment, which are mentioned in the complaint under the DV Act and also in the DIR. It is not clear from the summoning order that such averments were considered and if they were considered, why there were rejected. Thus, the impugned summoning order dated 21.05.2024 is found to be a mechanical order and not a reasoned order. Therefore, the summoning order dated 21.05.2024 passed by LD. MM. (Mahila court-01), Patiala House Court is set aside and matter is remanded back to Ld. Trial Court to decide the summoning of the appellants afresh. The appeal is accordingly allowed and disposed of.”

4. Accordingly, the same is dismissed for non-prosecution.
5. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 15, 2026/rr/r