



\$~57

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

+ CM(M) 2126/2025

DR TARIQ JALALY

.....Petitioner

Through: Ms. Shobha Gupta, Mr. Manasvi Negi,
Ms. Akshita Mishra and Ms.
Simranjeet Kaur, Advocates.

versus

DR.TABASSUM BANO

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **13.04.2026**

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

“a. direct the learned family court to hear and decide the issue of maintainability of the suit already argued by both parties on 15.04.2025, on the ground of limitation, before proceeding further with the evidence.

b. if the order of maintainability would pass otherwise, then, set aside the order dated 19.09.2025 passed by the learned principal judge, family court (south east), Delhi in cs no. 12/2019, where the Appellant's right to cross-examine the respondent was closed.

c. direct the learned family court to provide a reasonable opportunity to the Appellant to cross-examine the respondent. d stay all further proceedings in cs no. 12/2019 titled "Dr. Tabassum Bano vs. Dr. Tariq Jalaly" pending before the learned principal judge, family court (south east), Delhi during the pendency of the present petition.

e. pass any other order(s) which this hon'ble court may deem fit .and proper in the facts and circumstances of the case.”



3. Learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to move an appropriate application before the learned Family Court.
4. Leave and liberty granted.
5. The present petition is dismissed as withdrawn and disposed of accordingly.
6. All the rights and contention of the petitioner are left open.
7. Pending application(s), if any, also stands disposed of.
8. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 13, 2026/bsr/sg