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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 31.05.2024*+ **MAT.APP.(F.C.) 191/2024 & CM 33827/2024**

HARSIMRAN SINGH Appellant
Through: Mr. Rajesh Kumar and Mr. R. P.,
Advocates.

versus

RAVINDER KAUR PASRICHA Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. : (ORAL)

1. This appeal was listed before us yesterday, i.e., 30.05.2024. After hearing learned counsel of the appellant, i.e., Mr. Rajesh Kumar we broadly noted the grievance articulated in the appeal. For convenience, the relevant parts of the order dated 30.05.2024 are extracted hereafter:

“2. *This appeal is directed against the judgment and order dated 15.05.2024 passed by [the] learned Principal Judge, Family Court, South-East, Saket Courts, Delhi.*

3. *The appellant is aggrieved by the fact that his right to lead evidence has been closed. Counsel for the appellant says that the appellant is willing to pay the costs amounting to Rs.2,500/- imposed by the learned Principal Judge.*

4. *We may note that it is the stand of the appellant that as directed by the Family Court via order dated 21.02.2024 affidavit of evidence was filed within the stipulated period i.e., 15 days. It is submitted that costs of Rs.2,500/- which had to be paid could not be remitted to the respondent as*



the bank details were not available.

4.1 *This aspect will be examined on the next date of hearing.*

5. *Issue notice to the respondent via all permissible modes, including e-mail.”*

2. Learned counsel for the appellant informs us that pursuant to the order issued by the Court on 30.05.2024, service has been affected on the respondent as well as his counsel. A hard copy of the affidavit of service, along with a copy of the e-mail and a screenshot of the WhatsApp message is tendered before us.

3. Despite service, the respondent has not entered appearance. It appears that the respondent is either not interested in opposing the appeal or is attempting to delay the proceedings.

4. Thus, given the circumstances obtaining in the matter, we are inclined to grant one more opportunity to the appellant to have the matter decided on merits.

5. Accordingly, the impugned judgment and order dated 15.05.2024 is set aside. The appellant will have the opportunity to appear and tender evidence in the matter.

6. The appellant will also pay costs of Rs.2,500/- to the respondent on the next date of hearing before the Family Court.

7. The appellant will remain physically present on the next date of hearing fixed before the Family Court.

8. Since we are told that an affidavit of evidence has been filed, the Family Court will take next steps in the matter, and if time permits, will have those who tender their affidavits of evidence cross-examined by the counsel for the respondent.



9. The appeal is disposed of in the aforesaid terms. Consequently, pending interlocutory applications shall also stand closed.

10. The Registry will dispatch a copy of the order passed today to the concerned Family Court.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 31, 2024/ss