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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% **Date of Decision: 06.08.2025**

+ **W.P.(C) 11765/2025 and CM APPL.48108/2025**

NEERAJ SHARMA

.....Petitioner

Through: Mr. Uday Gupta (Sr. Adv) along with  
Ms. Shivani Lal, Mr. Hiren Dasan,  
Mr. Ajay Sharma, Ms. Gulshan Jahan,  
Ms. Tannu Mittal, Advs.

versus

NISHKA SHARMA & ANR.

.....Respondents

Through: Ms. Beenashaw Soni along with  
Ms. Mansi Jain, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**SACHIN DATTA, J. (Oral)**

**CM APPL.48109/2025 (Exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 11765/2025**

3. The present petition has been filed by the petitioner seeking the following prayer:

*“Issue a writ of mandamus in order to implement Clause-2 of Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 issued by the Ld. Registrar General of this Hon’ble Court with consequential direction that HMA No. 100/2019 titled as “Neeraj Sharma Vs Nishka Sharma” pending before the Court of Ld. Presiding Officer, Family Court, Patiala House Courts, New Delhi, be decided by Shri Harish Kumar, Ld. Additional District and Sessions Judge, presently holding charge as In-charge, Mediation Centre, South-West, Dwarka.”*



2025:DHC:6945



4. The aforesaid case bearing HMA No. 100/2019 was filed by the petitioner. It is submitted that the proceedings in the said case were protracted for a sufficiently long period of time. Finally, *vide* order dated 17.05.2025 passed by the Court of Ld. Judge, Family Court, Patiala House Courts, New Delhi, it was noted that the arguments stand concluded.

5. Thereafter, an order dated 30.05.2025 was passed by the concerned Judicial Officer which reads as under:-

ANNEXURE P-15

HMA 100/19  
NEERAJ SHARMA VS. NISHKA SHARMA

30.05.2025

Present: None.

While preparing for the judgment, this court realized that certain clarifications are required.

Accordingly, court notice be issued to the counsels for parties for tendering clarification on date already fixed i.e. 11.06.2025.

Sd/-  
(HARISH KUMAR)  
Judge, Family Court  
PHC: New Delhi/30.05.2025

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6. On 30.05.2025 itself, the Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 was issued whereby the learned Judicial Officer (Shri Harish Kumar) was transferred as In-Charge, Mediation Centre, South-West, Dwarka.



7. In the above background, the present petition has been filed by the petitioner seeking that in terms of Clause-2 of the Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 the concerned Judicial Officer (Shri Harish Kumar) before whom proceedings in the aforesaid HMA NO. 100/2019 took place from 18.10.2022 till 30.05.2025 be requested to decide the matter and pronounce the verdict.

8. Specific attention is drawn to Clause-2 of the aforesaid Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 which reads as under:-

*“2. The judicial officers under transfer shall notify the cases in which they had reserved judgments/orders before relinquishing the charge of the court in terms of the posting/transfer order. The judicial officers shall pronounce judgments/orders in all such matters on the date fixed or maximum within a period of 2-3 weeks thereof, notwithstanding the posting/transfer. Date of pronouncement shall be notified in the cause list of the court to which the matter pertains as also of the court to which the judicial officer has been transferred and on the website.”*

9. Learned counsel for the petitioner relies upon the judgment of this Court in the case of **“B.D. Sharma versus State of NCT of Delhi & Anr. 2025:DHC:5607”** wherein it has observed as under:-

*“14. What is also disquieting is the fact that, as per record, the matter had already been listed for pronouncement of judgment when there was a change in the Presiding Officer. It is well settled that when a judgment has been reserved, it is the duty of the same Presiding Officer to pronounce it, unless prevented by exceptional circumstances. The successor Court, in such circumstances, ought to have referred the matter back to the predecessor Judge through the learned District & Sessions Judge for pronouncement or appropriate directions. This procedural lapse has further contributed to the confusion and delay in adjudication”.*

10. In the present case, it is evident that the arguments in HMA No. 100/2019 have been substantially concluded before the concerned Judicial Officer (Shri Harish Kumar) who was seized of the proceedings from



18.10.2022 till 30.05.2025. As apparent from the order dated 30.05.2025 pronouncement of judgment was only deferred since the concerned Judicial Officer thought it necessary to obtain certain clarifications while preparing for the judgment.

11. *Prima facie*, in the circumstances, Clause-2 of the Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025 would be applicable. It would, therefore, be open to the concerned Judicial Officer to pronounce the judgment after obtaining the necessary clarifications, unless there are extenuating reasons/ factors which prevent the concerned Judicial Officer from doing so. Indeed, it would be a travesty for the concerned litigants if the transfer of the concerned Judicial Officer impedes pronouncement of the judgment despite substantial conclusion of the proceedings / arguments, over a considerably protracted period of time. The purport of Clause 2 of the Office Order No15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025, is to prevent such situation/s.

12. Since, it is incumbent on the concerned Judicial Officer to act in consonance with Clause-2 of the Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025, this Court does not deem it apposite to issue a Writ of Mandamus for the said purpose. Suffice it to say that the concerned Judicial Officer/s are bound to act in consonance with the stipulation incorporated in Clause-2 of the aforesaid Office Order No. 15/D-3/Gaz.IA/DHC/2025 dated 30.05.2025.

13. The present petition, along with pending application, is accordingly disposed of in the above terms.

**AUGUST 6, 2025/uk**

**SACHIN DATTA, J**