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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% **Date of Decision: 05<sup>th</sup> May, 2025**  
+ CM(M) 824/2025 & CM APPL. 26911-26912/2025  
ROZY .....Petitioner

Through: Mr. Sumit Kumar Khatri, Adv.

versus

SANJEEV BAJAJ .....Respondent

Through: None.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ JAIN**  
**J U D G M E N T (oral)**

1. Petitioner is defending a divorce petition filed by her husband who seeks divorce on the ground of cruelty.
2. The wife was duly served with copy of divorce petition but despite being served, she did not choose to file any written statement/reply and noticing her such conduct, the learned Judge, Family Court, has closed her opportunity to file any reply and her defence has also been struck off.
3. Such order dated 10.09.2024 is under challenge.
4. Copy of said order also contains remark of the concerned ministerial staff, who on the same day itself i.e. on 10.09.2024, mentioned in hand that the written statement along with application under Section 24 of Hindu Marriage Act, 1955 ('hereinafter referred to as Act') had also been filed.
5. It is submitted that there is no consideration or decision, even with respect to her application moved under Section 24 of the Act. It is submitted that on various subsequent dates, the learned Presiding Officer was on leave and since petitioner/wife herein is not fully literate and has studied up to only



8<sup>th</sup> standard, she could not make herself very clear before the learned Trial Court though fact remains that she kept on appearing before the Court on all such subsequent dates either herself or through her counsel.

6. When asked, it was informed that the petitioner/wife never moved any application seeking recall of the abovesaid order dated 10.09.2024.

7. After hearing arguments for some time, the present petition is disposed of with liberty to the petitioner/wife to move appropriate application seeking recall of the abovesaid order dated 10.09.2024 and also to restore her defense.

8. Indubitably, since the endeavor of the Court should be to decide the matter on merits, instead of, on technicalities, as and when any such application is moved, the learned Judge, Family Court, shall consider the same and would dispose of in accordance with law, after giving due opportunity of hearing to both the sides.

9. The petition stands disposed of on the aforesaid terms.

10. Pending applications also stand disposed of.

11. Order *dasti* under the signatures of Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**MAY 5, 2025/neha/shs**