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

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*Date of Decision: 09<sup>th</sup> July, 2025*

+ CM(M) 1407/2023 & CM APPL. 44543/2023 & CM APPL.  
3259/2025

DEVIKA MEHRA

.....Petitioner

Through: Mr. Rajat Aneja, Mr. Saurabh Seth,  
Ms. Neelampreet Kaur, Mr. Abhiroop  
Rathore and Mr. Saubhagya,  
Advocates.

versus

PRASHANT PRAKASH SAHNI

.....Respondent

Through: Mr. Prashant Mendiratta, Ms. Malvika  
Choudhary, Ms. Veena Singh, Mr.  
Shubho Banerjee and Mr. S. Sharma,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner herein is defending a divorce petition which was filed by her husband way back in the year 2022.
2. Admittedly, after due service upon the petitioner herein, the learned Trial Court directed her to file written statement but since she failed to file the written statement, the learned Trial Court *vide* order dated 21.12.2022 was constrained to strike off her such defence.
3. The petitioner moved an application under Order XLVII Rule 1 CPC seeking recall of the abovesaid order dated 21.12.2022 and besides above, she



also moved separate applications under Section 24 and 26 of Hindu Marriage Act, 1955.

4. All such applications were taken up by the learned Judge, Family, Court on 15.03.2023 but noticing that there was no one from her side to argue, such applications were dismissed for *non-prosecution*.

5. Thereafter, she filed another application under Section 151 CPC seeking restoration of her said applications i.e. review application as well as application filed under Section 24 and 26 of Hindu Marriage Act, 1955.

6. However, the learned Trial Court has dismissed such application under Section 151 CPC on 31.07.2023.

7. It is in the abovesaid factual matrix that the petitioner has filed present petition under Article 227 of Constitution of India with request that she may be permitted to participate in the abovesaid divorce petition.

8. When this petition was taken up by this Court for the first time on 29.08.2023, the petitioner herein was permitted to file written statement before the learned Judge, Family Court within a period of two weeks. However, such permission came with a rider. This Court left open the issue whether such written statement was, eventually, to be taken on record, or not.

9. When the present petition was taken up by this Court on 08.04.2025, request was made to Mr. Prashant Mendiratta, learned counsel for respondent whether his client could permit such participation of the petitioner in the abovesaid divorce petition on certain conditions, including there being a time-bound direction to the learned Judge Family Court to dispose of the divorce petition and in response to the abovesaid direction, Mr. Mendiratta informs that he has no objection if the written statement already filed by the petitioner before the learned Judge, Family Court is taken on record and her



defense is also restored. He also submits that they would have no objection to the restoration of the applications moved under Section 24 and 26 of Hindu Marriage Act, 1955 either.

10. He, however, supplements that let there be direction to the petitioner to render complete assistance and co-operation to the learned Judge, Family Court so that the trial is not delayed any further. He submits that once the pleadings are complete and issues are framed, he would make appropriate request to the learned Judge, Family Court for appointment of a Local Commissioner. He also submits that the respondent herein would bear the entire expenditure of such Local Commission.

11. He also submits that let the trial be directed to be completed in a time-bound manner and, preferably, within a period of three months as the divorce petition in question has already got delayed considerably.

12. Mr. Rajat Aneja, learned counsel for the petitioner, during course of the arguments, has assured this Court that there would not be any delay from the side of the petitioner and she would render her complete co-operation in this regard and would take all the actions as directed by the learned Trial Court from time to time. He, therefore, submits that he would have no objection if his present petition is disposed of in aforesaid terms.

13. He submits that the application under Section 24 and 26 of Hindu Marriage Act, 1955, which are being revived, are also to be pursued by her, but assures this Court that such independent pursual would not hinder the trial.

14. Mr. Mendiratta, submits that he would ensure that well before 30.07.2025, advance copy of their rejoinder/replication is supplied to the opposite counsel and is also filed in the Court so that on 30.07.2025 itself,



learned Judge, Family Court is in a position to frame issues and thereafter, to appoint Local Commissioner for recording of evidence.

15. Learned counsel for both the parties submit that the present petition may, accordingly, be disposed of in aforesaid terms.

16. The present petition stands disposed of in aforesaid terms. Learned Judge, Family Court is requested to give requisite priority to this matter to achieve expeditious disposal in aforesaid terms.

17. Pending applications also stand disposed of in aforesaid terms.

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

**JULY 9, 2025/ss/js**