



2025:DHC:3129-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 30.04.2025*

+ MAT.APP.(F.C.) 161/2025  
OSHIN SURESH UPADHYAY .....Appellant

Through: Ms. Prachi Nirwan, Adv. for  
Mr. Pankaj Mendiratta, Adv.

versus

KUMAR GAURAV DUBEY .....Respondent

Through: Mr. Satyaarth Singh and Mr.  
Divyank Dutt Dwivedi, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

**CM APPL. 25755/2025**

1. This appeal has been filed by the appellant, challenging the Order dated 20.08.2024 passed by the learned Judge, Family Court-01, South District, Saket Courts, (hereinafter referred to as, 'Family Court') in HMA No. 69/2024, titled *Kumar Gaurav Dubey v. Oshin Suresh Upadhyay*, allowing the respondent herein to withdraw the petition filed by him under Section 13(1)(a) of the Hindu Marriage Act, 1955 (hereinafter referred to as, 'HMA'), subject to the payment of costs of Rs. 25,000/- to the appellant herein. It was further directed that pending application/applications, if any, in the petition would be treated as infructuous and disposed of accordingly.

2. The grievance of the appellant is that her application under Section 24 of the HMA, insofar as for the period from filing of the said application till the withdrawal of the divorce petition, should have



been adjudicated by the learned Family Court.

3. It is pertinent to mention here that the present appeal has been filed with a delay of 215 days and the only explanation given by the appellant in her application seeking condonation of delay is as under:

*“b. That, the delay in filing the instant petition has solely been on account of lack of finances, as a result of which she had not been able to file the petition within limitation. Further, the Appellant, being a student, pursuing her MBA from Birla Institute of Technology, Noida, was unable to contact his counsel for further course of action on order passed by the Ld. Family Court (impugned order) as her semester/ presentation were on going. “*

4. Furthermore, it is not denied that the appellant was earlier working with the Indian Air Force and as stated by her in the application itself, she is now pursuing her MBA from an institute in Noida, Uttar Pradesh.

5. We do not find the above explanation sufficient enough to justify such a huge delay that has occurred in filing of the present appeal.

6. The application is accordingly dismissed.

7. Consequently, the present appeal being MAT.APP.(F.C.) 161/2025 is dismissed on account of delay and laches.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**APRIL 30, 2025**

*p /kz/VS*

*Click here to check corrigendum, if any*