



2025:DHC:2417-DB



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

Date of decision: 08.04.2025

+ **MAT.APP.(F.C.) 137/2025**

MRS PRIYANKAAppellant
Through: Dr.A.K.Bakshi, Mr.Balraj
Anand, Advs. with petitioner in
person.

versus

MR SAURABH CHHABRARespondent
Through: Mr.Shashank Deo Sudhi,
Mr.Aru Prakash, Advs, with
respondent in person

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 20832/2025 (Exemption)

1. Allowed, subject to all just exceptions.

MAT.APP.(F.C.) 137/2025 & CM APPL. 20833/2025

2. This appeal has been filed by the appellant, challenging the Order dated 01.03.2025 (hereinafter referred to as, 'Impugned Order') passed by the learned Principal Judge, Family Court, Patiala House Courts, New Delhi (hereinafter referred to as, 'Family Court') in HMA No.502/2023, directing that the application filed by the



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respondent herein under Section 340 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.')

shall be argued before the other applications that are pending before it, including the application under Section 24 of the Hindu Marriage Act, 1955 (in short, 'HMA') filed by the appellant herein.

3. The learned counsel for the respondent, who appears on advance notice of this appeal, submits that the present appeal filed under Section 19 of the Family Courts Act, 1984, is not maintainable inasmuch as the Impugned Order is merely *interlocutory* and procedural in nature.

4. The learned counsel for the appellant disputes the above submission and submits that as the application under Section 24 of the HMA has been directed to be taken up only post the hearing of the application Section 340 of the Cr. P.C. filed by the respondent, the Impugned Order cannot be termed as *interlocutory* in nature.

5. We are unable to agree with the submission made by the learned counsel for the appellant.

6. As noted hereinabove, the learned Family Court has simply directed that the application under Section 340 of the Cr. P.C. filed by the respondent shall be taken up before considering the other applications. The said order is purely procedural in nature and falls within the ambit and scope of the term '*interlocutory*' as provided under Section 19 of the Family Court Act. The appeal is, therefore, not maintainable against the said order.

7. The appeal is accordingly disposed of, reserving liberty to the

