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

+ MAT.APP.(F.C.) 6/2022

COMMODORE PAVAN CHAUHAN ..... Appellant

Through: Mr. Manu Minocha, Advocate.

versus

ANUSHA CHAUHAN ..... Respondent

Through: Mr. Rajesh Yadav, Senior Advocate  
with Ms. Ruchira Arora, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**18.01.2022**

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**C.M. No.3184/2022**

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

**MAT.APP.(F.C.) 6/2022**

3. Issue notice. Ms. Ruchira Arora accepts notice on behalf of respondent.
4. The appellant is aggrieved by the order dated 01.04.2021 dismissing the divorce petition preferred by him under Section 13(1)(ia) of the Hindu Marriage Act. The learned Family Court has dismissed the said application after observing that the appellant had failed to lead evidence, and after closing the right to the appellant to lead evidence.

5. The submission of learned counsel for the appellant is that the parties were negotiating a settlement for which time was sought from the Court repeatedly, and on that account, the affidavits by way of evidence have not been filed.

6. Mr. Yadav, learned senior counsel for the respondent, who appears on advance notice, very fairly states that the position – as narrated by the appellant, is correct.

7. We are dismayed at the approach adopted by Ms. Anju Bajaj Chandna, Principal Judge, Family Court, New Delhi District, Patiala House Courts, New Delhi. The endeavour of the Court cannot be simply to dispose of matters, one way or another at the cost of sacrificing the cause of justice. The Family Courts are expected to function so as to bring about a settlement, if possible. Since the parties, themselves, were seeking an adjournment on account of them being in negotiation, there was no justification for the Family Court to have declined the request for adjournment made before it; to have closed the right of the appellant to lead evidence and; to proceed to judgment dismissing the divorce petition. The impugned order reflects very poorly in the manner in which the Family Court has conducted itself.

8. We, accordingly, set aside the impugned order and restore HMA No.116/2019.

9. Both counsels state that the parties may be referred for mediation. We, accordingly, direct the parties to appear before the Delhi High Court Mediation & Conciliation Centre on 20.01.2022 at 03:00 p.m. The mediation report shall be filed before the Family Court.

10. The parties shall appear before the Family Court on 28.02.2022.
11. The appeal stands disposed of in the aforesaid terms.

**VIPIN SANGHI, J**

**JASMEET SINGH, J**

**JANUARY 18, 2022**

*B.S. Rohella*