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

+ **CM(M) 2625/2024**

SIDDHARTH BREJA

..... Petitioner

Through: Ms. Niharika Ahluwalia, Mr.
Ananthika Singh, Mr. Arpit Sharma
& Mr. Anurag Rawat, Adv.

versus

NEHA DUA BREJA

..... Respondent

Through: Mr. Abhey Narula, Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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21.05.2024

CM APPL. 30486/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 30488/2024—26 days in filing

3. The present application has been filed on behalf of the petitioner seeking condonation of delay of 26 days in filing the petition.
4. Submissions heard.
5. In view of the ground as mentioned in the application, the delay of 26 days in filing the petition is condoned.
6. Application stands disposed of.

CM(M) 2625/2024 & CM APPL.30487/2024-exp. to file lengthy list of dates



7. The supervisory jurisdiction of this Court is invoked under Article 227 of the Constitution of India to impugn the order dated 19.03.2024 passed by learned Principal Judge, Family Court, Tis Hazari Courts, Delhi (hereinafter referred to as 'Judge Family Court') in HMA No.935/2021 titled as '*Siddharth Breja vs. Neha Dua Breja*'.

8. It is submitted that the petition under Section 13 (1) (ia) of Hindu Marriage Act was preferred by the petitioner before the learned Judge, Family Court on 06.01.2024 which is pending trial. It is further submitted that petitioner preferred an application on 05.07.2023 before the learned Judge Family Court for consideration of the order dated 22.12.2022 under Section 13 of the CPC read with Section 151 CPC passed by Superior Court of California, County of San Francisco, USA.

9. Learned counsel submits that the learned Judge Family Court not erred in passing the impugned order without taking into consideration that it was the respondent who had invoked the jurisdiction of the Court in USA and had pressed for judicial separation which later on was converted into a divorce petition. It was submitted that under the US laws, the respondent is also taking benefits under the divorce decree, therefore, the learned Judge Family Court would considering all these relevant facts has passed the impugned order.

10. To strengthen his arguments, learned counsel for the petitioner has placed reliance on the judgment passed by the Hon'ble Supreme Court in the case of ***Y. Narasimha Rao & Others vs. Y. Venkata Lakshmi & Anr.:*** (1991) 3 SCC 451.

11. Issue notice.

12. Learned counsel puts an appearance on advance notice and accepts



notice and submits that there is no infirmity with the impugned order passed by the learned Trial Court and the learned Trial Court has taken into account the various submissions and thereafter has passed the order.

13. It is contended on behalf of the respondent that reply is to be filed.
14. Be filed within six weeks with an advance copy to the other side.
15. Rejoinder thereto, if any, be filed within two weeks thereafter.
16. Parties to file written submissions along with judgments to be relied upon by them within four weeks, with an advance copy to the opposite side.
17. List for hearing on 08.10.2024.

SHALINDER KAUR, J

MAY 21, 2024/ab