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

+ MAT.APP.(F.C.) 80/2018 and CM APPL. 14330/2018 (for additional documents)

KANTA RANI

..... Appellant

Through: Ms. Aditi Gupta, Legal Aid Counsel

versus

SUNIL KUMAR

..... Respondent

Through: Mr. Arun Kumar Sharma, Mr. Shankar Singh, Mr. Vaibhav Sharma and Mr. Anurag Saxena, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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11.03.2020

1. On the last date of hearing, learned counsel for the respondents had stated that he has filed a reply to the application filed by the appellant (CM APPL. 14330/2018) day before the date of hearing, which was not on record. Noting the fact that repeated opportunities had been granted to the respondent to file a reply to the said application and the same had not been filed, it was directed that subject to payment of costs of Rs.5,000/- payable to the appellant, the reply filed by the respondent be taken on record.

2. It now transpires that counsel for the respondent had never drafted or filed a reply to CM APPL. 14330/2018. Instead, a reply to the main appeal was filed which even otherwise, is impermissible. At best, the parties are

permitted to rely on the pleadings as also the documents and evidence produced before the Family Court but nothing else. In any case, the reply stated to have been filed by the respondent on 17.09.2019, is still not on record even today.

3. Learned counsel for the respondent admits that he has not filed a reply to CM APPL. 14430/2018 and the reply that he had filed was only to the appeal. It appears that the same may be lying under objection. Costs have been tendered to learned counsel for the appellant, who states that she may be permitted some time to interact with her client.

4. At the request of the learned counsel for the appellant, list on 11.09.2020.

5. The parties shall remain present on the next date of hearing.

HIMA KOHLI, J

ASHA MENON, J

MARCH 11, 2020

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