

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7500 OF 2023
[Arising out of SLP(C) No.24118/2023]

ANCHAL RASTOGI

APPELLANT(S)

VERSUS

SACHIN RASTOGI

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. The appellant-wife undoubtedly has been grossly negligent in defending herself in the divorce petition i.e., Hindu Marriage Case No.229 of 2018 filed by the respondent-husband, which is pending before the Principal Judge, Family Court, Rampur, U.P. The Family Court granted sufficient opportunities to the appellant to file the written statement and join those proceedings. In such circumstances, the High Court was also, in a way, justified vide impugned order in declining to interfere with the order of the Family Court, whereby third application moved by the appellant to recall the *ex parte* proceedings, was turned down.
4. Be that as it may, we are informed that the case is now listed before the Family Court on 10.11.2023. We, therefore, in the interest of justice, grant last opportunity to the appellant-wife to file her written

statement on the date fixed i.e., 10.11.2023. The respondent-husband shall be entitled to file rejoinder, if any, within one week thereafter. The Family Court will reformulate the issues within two weeks' after the filing of the rejoinder and proceed with the recording of evidence.

5. The Family Court shall also make an endeavour for an amicable settlement through mediation, but in a time bound manner. If the parties are unable to resolve the dispute, the Family Court shall proceed to decide the case on merits, expeditiously and preferably within six months from the date of termination of the mediation proceedings. It is made clear that no further opportunity shall be granted to the appellant-wife to file the written statement beyond 10.11.2023.

6. The appeal is, accordingly, disposed of in above terms.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

New Delhi;
November 07, 2023

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).24118/2023

(Arising out of impugned final judgment and order dated 18-08-2023 in MUA227 No.7267/2023 passed by the High Court Of Judicature At Allahabad)

ANCHAL RASTOGI

Petitioner(s)

VERSUS

SACHIN RASTOGI

Respondent(s)

(FOR ADMISSION and IA No.221424/2023-EXEMPTION FROM FILING O.T.)

Date : 07-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Ankur Rastogi, Adv.
Mrs. Priya Rastogi, Adv.
Mr. Amber Shehbaz Ansari, Adv.
Mr. Kamal Mohan Gupta, AOR

For Respondent(s) Ms. Sweta Rani, AOR
Mr. Anant Agarwal, Adv.
Ms. Ritika Khanna, Adv.
Mr. Samarth Agrawal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)