

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

+ **CONT.CAS(C) 280/2012**

% **Date of Decision: 14.01.2013**

SUMAN KAUSHIK

..... **Petitioner**

Through : **Mr. S.Rajappa, Advocate along with
petitioner in person.**

versus

N P KAUSHIK

..... **Respondent**

Through : **Mr. D.P.Kaushik, Advocate along
with respondent in person.**

CORAM:

HON'BLE MS. JUSTICE VEENA BIRBAL

VEENA BIRBAL, J.

1. The present application was taken up with MAT. APP. No. 92/2009 and CM(M) No. 108/2009 which was filed by the applicant/wife. MAT. APP. No. 92/2009 was filed by the applicant/wife wherein she had challenged the impugned judgment and decree passed by the learned ADJ dissolving her marriage with the respondent on the ground of cruelty. In CM(M) No. 108/2009, she had challenged the impugned order dated 06.07.2009 dismissing her application for enhancement of maintenance pendente lite/litigation expenses.

2. The aforesaid appeal as well as CM(M) has been disposed of vide separate judgment passed today.

3. In the present application, applicant has alleged that during the pendency of the appeal challenging the impugned judgment and decree dated 06.07.2009 passed by the learned ADJ, the respondent has finalized the matrimonial alliance with one Kusum d/o late Shri Goverdhan Dass Tewari r/o 21, Shivalik Enclave, Urban Estate, Phase I, Jalandhar, Punjab. It is alleged that he projected himself as divorcee and concealed his real age and also concealed the factum of having the daughter of 24 years of age. It is alleged that he also demanded ₹ 20 lakhs from the family of the girl.

4. It is also alleged that the respondent was assisted in doing the alleged illegal activity by his brothers and sisters who have also been named in the present application. It is alleged that they have also wilfully disobeyed the order of this court and have interfered with the due process of law and administration of justice as such contempt proceedings be initiated against them.

5. It may be noted that the parties are living separately for the past 25 years and are litigating since then. It is not her case that during the pendency of the appeal challenging the divorce decree he has re-married. Nothing has been placed on record to substantiate that he has projected himself as a divorcee as is alleged. Nothing is stated in the application as to how the

applicant has come to know about the allegations made in the application. No material is also placed on record to substantiate the allegations except few photographs.

6. Respondent is a member of Delhi Higher Judicial Service. He is present in court and has denied having entered into alleged marriage during the pendency of the present appeal. The respondent has stated that some talks of marriage were initiated but same were subsequently dropped.

7. In view of the above discussion, no action is required on the present application. The same stands dismissed.

VEENA BIRBAL, J

JANUARY 14, 2013

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