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

+ **MAT.APP.(F.C.) 110/2021**

RISHU AGGARWAL Appellant

Through: Mr. Rajesh Aggarwal, Advocate.

versus

MOHIT GOYAL Respondent

Through: Mr. Rajesh Aggarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

23.11.2021

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CM APPL. 41459/2021

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAT.APP.(F.C.) 110/2021 and CM APPL. 41458/2021

The present appeal has been preferred under Section 19 of the Family Courts Act to assail the order dated 16.10.2021 passed by the Family Court, whereby the joint-petition to seek divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 along with an application under Section 14 of the said Act, has been rejected on the ground that the parties got married on 04.04.2021; they claim to be living separately in the same house from 14.04.2021, and at separate places from 29.07.2021; and that the exceptions carved out in proviso to Section 14 of the Act were made out.

The Family Court has held that the parties were unable to make out a case of exceptional hardship, or exceptional depravity, and consequently, dismissed the petition and the application.

Mr. Aggarwal – who appears for the appellant, states that he appears for both the parties. He has placed reliance on two decisions – one of the Kerala High Court, and another of the Punjab & Haryana High Court in support of his submission that denial of sex by the parties to each other, itself is sufficient to cause exceptional hardship and/ or exceptional deprivation to the parties.

In our view, the matter requires consideration and since there is no contest by one, or the other party, it would be appropriate to appoint an Amicus Curiae to assist the Court in the matter.

Accordingly, we appoint Mr. Pritesh Kapur, Senior Advocate, Mobile No: 9810102824 to act as the Amicus Curiae in the matter. Let notice issue to the learned Amicus returnable for the next date.

A copy of the complete paper book and this order be communicated electronically by the Court Master to the learned Amicus within two days.

List on 11.01.2022.

VIPIN SANGHI, J

JASMEET SINGH, J

NOVEMBER 23, 2021

B.S. Rohella