Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 7841 of 2023

Petitioner :- Rahul Singh
Respondent :- Mrs. Shambhavi Singh
Counsel for Petitioner :- Krishnarjun

Hon'ble Jayant Banerji,J.

1. Head learned counsel for the petitioner.

2. This petition has been filed seeking the following relief:

"I. Issue an order or direction by directing the Learned Additional Principal Judge, Court No. 3, Allahabad/Prayagraj to consider and decide the Hindu Marriage Petition No. 1616 of 2016 (Major Rahul Singh Vs. Shambhavi Singh) filed on 08.12.2016 under section 13 of Hindu Marriage Act, 1955 as expeditiously as possible, within stipulated period."

3. It is contended that a suit under Section 13 of the Hindu Marriage Act was filed by the petitioner seeking a decree of divorce on 8.12.2016. It is contended that this case is not being decided despite the matter being fixed for cross-examination of the DW1 time and again.

4. A perusal of the record of this petition reveals that earlier the petitioner had approached this Court by means of a petition being Matter Under Article 227 No. 2128 of 2022 (Rahul Singh Vs. Shambhavi Singh) that was disposed of by an order dated 1.4.2022 with a direction to the Family Court to expedite the hearing of the case and decide the same within a period of six months. It also appears that a transfer application was filed by the petitioner bearing Transfer Application (Civil) No. 113 of 2023 which was allowed with a direction to the Family Court to expedite and conclude the trial within six months by the order dated 27.2.2023.

5. The aforesaid orders have already been passed in previous petition/application and no fresh application for the same cause of action is maintainable.

6. In any view of the matter, Section 21-B of the Hindu Marriage Act, 1955 specifically provides that all proceedings under the Act should be held on a day to day basis and effort should be made to conclude the proceedings as far as possible within six months from

the date of service of the petition on the respondent.

7. In view of the aforesaid provisions of the Act, I am of the opinion that no further direction is required.

8. The petition is, accordingly, **dismissed**.

Order Date :- 17.10.2023
A. V. Singh

(Jayant Banerji, J.)

Digitally signed by :-
AJAY VIKRAM SINGH
High Court of Judicature at Allahabad