

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 8555 of 2023

Petitioner :- Kuntal Saha

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ashwini Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Jayant Banerji, J.

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

"(i) Direct the Principal Judge Family Court, Ghaziabad to waive the cooling period of six months and fix early date of 2nd motion or through Video conferencing (i.e. 6 weeks from the date of first motion).

(ii) Direct the Principal Judge Family Court, Ghaziabad to expedite the divorce case no. 1986 of 2023 (Smt. Baishakhi Mandal Versus Kuntal Saha) under section 13(B) (i) of Hindu Marriage Act by mutual consent pending before Principal Judge Family Court, Ghaziabad due to irretrievable breakdown of marriage between the parties as petitioner lives in Australia for his livelihood."

2. It appears from the record that in this petition which arises out of a matrimonial dispute, the State of U.P. has been made a party which is unnecessary and improper party. When confronted, learned counsel for the petitioner prays that he may be permitted to withdraw this petition with liberty to file a fresh petition.

3. This petition is, therefore, **dismissed** with the liberty to file a fresh petition within a period of ten days from today impleading the proper party.

Order Date :- 27.10.2023

A. V. Singh

(Jayant Banerji, J.)