

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12329 of 2023

Petitioner :- Harendra Prasad

Respondent :- Risha Mumgaie And Another

Counsel for Petitioner :- Krishna Kant Dubey, Santosh Kumar Dubey

Hon'ble Ashutosh Srivastava, J.

Heard Shri Santosh Kumar Dubey, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the service of notice upon respondent is being dispensed with.

The present petition, under Article 227 of the Constitution of India, has been instituted for a direction to the Principal Judge, Family Court, Ghaziabad, to decide the Divorce Petition No. 596 of 2020 (Harendra Prasad Vs. Richa Mumgaie and another) under Section 13 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 30.1.2012 as per Hindu rites and rituals. Respondent no.1, who is a modern lady, does not adjust to live with the family members of the petitioner. She misbehaves with the family members of the petitioner. After much physical and mental suffering, the petitioner finally filed a divorce petition under Section 13 (1) (i) and (ia) of Hindu Marriage Act, 1955, before the Principal Judge, Family Court, Ghaziabad, on 12.3.2020.

It is further submitted that after marriage, the behaviour of respondent no.1 towards her husband i.e. the petitioner and her-in-laws got severely changed and respondent no.1 always tried to force her husband to live separately from his old age parents.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Ghaziabad, seized with the proceedings of Divorce Petition No. 596 of 2020 (Harendra Prasad Vs. Richa Mumgaie and another) under Section 13 of the Hindu Marriage Act to decide the same within a time frame fixed by this Court.

I have heard the learned counsel for the petitioner and perused the record.

From the record, it is more than apparent that the opposite party is not interested in appearing in the case. In the proceedings for restitution of conjugal rights also the opposite party had not appeared.

Considering the mandate of Section 21-B (2) of Hindu Marriage Act, which contemplates that the proceedings should be brought to its logical end within a period of six months, this Court is of the opinion that in the facts and circumstances, that stand attracted to the case of the petitioner, it is a fit case in which indulgence may be granted by this Court for expediting the proceedings.

Accordingly, the petition is disposed of by requiring the Principal Judge, Family Court, Ghaziabad, to decide the Divorce Petition No. 596 of 2020 (Harendra Prasad Vs. Richa Mumgaie and another) under Section 13 of the Hindu Marriage Act to conclude and decide the same within a period of six months from the date of service of certified copy of the order of this Court, in accordance with law without granting unnecessary adjournment to either of the parties.

Order Date :- 4.12.2023

Irshad