

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 10691 of 2023

Petitioner :- Smt Rekha Pandey

Respondent :- Pravin Dwivedi And 3 Others

Counsel for Petitioner :- Rajesh Kumar Dubey

Hon'ble Ram Manohar Narayan Mishra,J.

1. Heard learned counsel for the petitioner and perused the record.
2. Learned counsel for the petitioner submitted that the petitioner has filed this petition to decide the matter filed under Section- 12 of Protection of Women from Domestic Violence Act, 2005, Police Station- Swaroop Nagar, District- Kanpur, pending in the court of Additional Chief Metropolitan Magistrate IInd, Kanpur Nagar on 02.12.2022, which is registered as Complaint Case No.5084 of 2022 (Smt. Rekha Pandey vs. Pravin Dwivedi). However, the case is still lingering on due to non-appearance of opposite party and no effective order could be passed in this case.
3. Learned counsel for the petitioner has referred to Section- 12(5) of Protection of Women from Domestic Violence Act, 2005 in which it is provided that "**the Magistrate shall endeavour to dispose of every application made under sub section (1) within a period of sixty days from the date of its first hearing**".
4. The statute has fixed a boarder of 60 days for disposal of the cases under this Act. However, the disposal cannot be made without hearing both sides regarding the pendency of the cases before the courts below under the Act.
5. From perusal of the order-sheet of the case, it appears that the case is pending due to non-appearance of opposite party and the process has been issued to him.
6. The court concerned is directed to make a proper way to expedite the hearing of the case in short days and decide the case in the statutory spirit expressed under Section- 12(5) of the Act.
7. Accordingly, the petition stands **disposed of**.

Order Date :- 16.11.2023/Saif