

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11242 of 2023

Petitioner :- Ashok Modanwal And 2 Others

Respondent :- Smt Aneeta Agrahari And Another

Counsel for Petitioner :- Rajesh Kumar Chitragupt

Hon'ble Prakash Padia,J.

Heard learned counsel for the petitioners and perused the record.

Present writ petition has been filed by the petitioners inter-alia with the prayer to stay the effect and operation of the impugned orders dated 09.10.2023 and 18.10.2023 passed by the Additional Principal Judge, Family Court, Siddharth Nagar in Divorce Petition No. 453 of 2019 (Old No. 79 of 2016) (Ashok Modanwal and others Vs.Smt. Aneeta Agrahari and another), under Section 13 of Hindu Marriage Act.

Vide order dated 09.10.2023, aforesaid petitioners were called for their personal appearance in order to make statement that whether Rahul Ratan Agrahari, who filed the Divorce Petition, was solemnized the second marriage or not. Since the aforesaid persons were not appeared, the court below has issued 'warrant of arrest' against the petitioner nos. 2 and 3 namely, Mamta and Ramzan Ali.

It is argued by the learned counsel for the petitioners that so far as petitioner no.1 is concerned, he is not medically fit to appear before the court below, but no such evidence has been placed before the court in the present writ petition. So far as petitioner nos. 2 and 3 are concerned, it is stated that notices were not personally served upon them, but they were served upon by their relatives.

From the perusal of the record, it is clear that as on date all the petitioners have full knowledge in respect of the order dated 09.10.2023 passed by the Additional Principal Judge, Family Court, Siddharth Nagar.

In view of the matter, the court is of the opinion that petitioners be directed to appear personally in the court of Additional Principal Judge, Family Court, Siddharth Nagar on the next date fixed in the matter i.e. 17.12.2023. The arrest warrant issued against the petitioners be kept in abeyance only till the next date of listing. In case petitioners will not appear before the court below on the next date fixed in the matter, the warrant of arrest will again come into effect.

With the aforesaid observations, petition is ***disposed of***.

Order Date :- 7.12.2023

T.S.