

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11625 of 2023

Petitioner :- Shiv Kumar Gupta

Respondent :- Pratibha Gupta

Counsel for Petitioner :- Abhishek Tiwari, Arun Kumar Tiwari, Mahendra Pratap Singh

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the petitioner.
2. The petitioners have preferred the present petition under Article 227 of the Constitution of India inter-alia with the prayer to direct the next available Principal Judge Family Court Allahabad to decide Matrimonial Case No.1398 of 2022 (Shiv Kumar Gupta Vs. Pratibha Gupta) under Section 13(1) of the Hindu Marriage Act, 1955.
3. It is argued by learned counsel for the petitioner that since the Court of Principal Judge Family Court Allahabad is vacant, therefore, the matter should be transferred to In-Charg Principal Judge Family Court to some other Judge available in the Family Court Allahabad in terms of the provision contained under Section 4 of Family Courts Act, 1984. Learned counsel for the petitioner also placed reliance upon an order dated 03.04.2023 passed in the case of Matter Under Article 227 No.2274 of 2023 (Smt. Abha Pathak Vs. Ajay Upadhyay).
4. Heard learned counsel for the petitioner and perused the record.
5. Very recently by way of a notification issued by this Court dated Sri Bal Mukund has been appointed as Principal Judge, Family Court Allahabad by this Court.

6. In this view of the matter, no relief could be granted to the petitioner. However, Since the suit is pending 2022, the Principal Judge, Family Court Allahabad is directed to decide the aforesaid case. In case, he could not decide the same, he sent the aforesaid case to some other Family Court Judge having same jurisdiction.

Order Date :- 2.12.2023

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