

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11734 of 2023

Petitioner :- Vasudha Jadaun

Respondent :- Rohit Singh And 2 Others

Counsel for Petitioner :- Nitin Chandra Mishra, Abhishek Kumar Kushwaha

Hon'ble Ashutosh Srivastava, J.

Heard Shri Abhishek Kumar Kushwaha, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the service of notice upon respondents 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, Aligarh to decide the Misc. Case No. 152 of 2021 (Rohit Singh versus Smt. Vasudha Jadaun) under Section 25 of the Guardian & Wards Act, stated to be pending since 18.11.2021.

Learned counsel for the petitioner submits that the case has been instituted for the custody of female child aged about 7 years. The ward is residing with the petitioner. Learned counsel for the petitioner submits that though the case has been instituted by the husband/opposite party-respondent No. 1 for the custody of female child. However, despite there being no orders by the Court concerned, the respondent No. 1 is threatening to snatch the custody of the female child from the custody of the petitioner. It is also contended that petitioner has appeared in the proceedings and filed written statement.

In order to buttress his submissions, learned counsel for the petitioner has invited attention of the Court to the order sheet of the proceedings filed as Annexure-4 to the petition, which demonstrate that matter has been pending for evidence of the plaintiff/opposite party No. 1 and several dates in respect thereof has been fixed. He submits that last date fixed was 7.10.2023 and the parties have been asked to appear in person on 4.12.2023. It is also contended that petitioner has been appearing in almost all the dates and the petitioner has to bear the cost of travel etc., and no financial assistance is being extended to the petitioner by the

respondent-husband. It is also submitted on behalf of the petitioner that entire proceedings have been undertaken only to harass the petitioner. It is under these circumstances that the petitioner has approached this Court for expeditious disposal of the case.

Having heard learned counsel for the petitioner and having perused the record and taking note of the fact that the proceedings are pending for evidence of the plaintiff-respondent No. 1 and various dates have been fixed for the said purpose and despite that the evidence of the plaintiff is not being recorded, the Court is of the opinion that it is a fit case in which direction for expediting the proceedings can be directed.

Accordingly, the writ petition is ***disposed of*** by requiring the Principal Judge, Family Court, Aligarh to conclude and decide the Misc. Case No. 152 of 2021 (Rohit Singh versus Smt. Vasudha Jadaun) under Section 25 of the Guardian & Wards Act within a period of six months from the date of service of certified copy of the order of this Court without granting any unnecessary adjournments to either of the parties, in accordance with law.

Order Date :- 29.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)