

**Court No. - 44**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 11637 of 2023

**Petitioner :-** Hari Lal

**Respondent :-** Kiran Bala

**Counsel for Petitioner :-** Awadhesh Kumar Sharma, Indresh Chandra

**Hon'ble Ashutosh Srivastava, J.**

Heard Shri Awadhesh Kumar Sharma, 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 Additional Principal Judge, Family Court, Jaunpur, to decide the Matrimonial Case No. 452 of 2020 (Hari Lal Vs. Kiran Bala) under Section 13 of the Hindu Marriage Act, 1955 within a stipulated period.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 16.06.2005 as per Hindu rites and rituals. In the year 2018 the opposite party appointed as Assistant Teacher, in Primary School and is presently posted at Primary School Phoolpur, Block Sikrara, District Jaunpur. It is further submitted that the opposite party is in illicit relation with one Rajesh Kumar Yadav. When the petitioner asked about the same the opposite party and said Rajesh Kumar Yadav assaulted him and on the complaint the Station House Officer, challaned the petitioner, his brother Sahab Lal and Rajesh Yadav and after the said incident the opposite party is residing in her maternal home. Thereafter on 18.07.2019 said Rajesh Kumar Yadav, his brother, Nagesh Ydav and Gorakhnath badly beaten the petitioner by Lathi, Danda due to which he became unconscious. For the said incident a First Information Report was lodged on 22.07.2019 at Police station Madiyanhun, District-jaunpur, under Section 147, 323, 584, 586, 536 IPC and 3 I1) 10 of SC/ST Act. In the said case charge sheet has been filed by the C.O. Madiyahun, and the same is pending before the Additional District Judge II, Jaunpur. After the said incident the opposite party is residing with said Rajesh Yadav as a husband and wife.

Thereafter, on 19.07.2020 the petitioner has filed a Divorce Case No. 452 of 2020 (Hari Lal vs. Kiran Bala) before the Court of Additional Principal Judge, Family Court, under Section 13 of the Hindu Marriage Act, 1955 and the same is pending.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Additional Principal Judge, Family Court, Jaunpur, seized with the proceedings of Case No. Case No. 452 of 2020 (Hari Lal vs. Kiran Bala) 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.

Considering the mandate of Section 21B (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 Additional Principal Judge, Family Court, Jaunpur, seized with the Case No. 452 of 2020 (Hari Lal vs. Kiran Bala) 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 :- 2.12.2023**

Deepak/