

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11662 of 2023

Petitioner :- Shobha Jaiswal

Respondent :- Dileep Kumar Jaiswal

Counsel for Petitioner :- Girish Kumar Gupta

Hon'ble Ashutosh Srivastava,J.

Heard Shri Girish Kumar Gupta, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed notice upon the sole respondent is dispensed with.

Present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of the application moved by the petitioner under Section 24 of the Hindu Marriage Act, filed in Divorce Petition No. 85 of 2015 (Dileep Kumar Jaiswal Vs. Shobha Jaiswal) within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the Divorce Petition was decided in terms of compromise arrived at between the parties in the year 2017. However, the terms of compromise was not followed by the plaintiff/respondent. On an application filed by the defendant/petitioner the proceedings were reopened and the same is pending consideration.

The petitioner has preferred an application under Section 24 of Hindu Marriage Act for Interim Maintenance during the pendency of the proceedings, which application is pending consideration. The respondent/ opposite party has already filed objections. However, the said application for the reasons unknown is not being taken up for consideration.

He submits that the purpose of filing the present petition shall stand served if appropriate direction is issued to the Additional Principal Judge, Family Court, No. 1, Varanasi, to pass appropriate orders on the application under Section 24 of the Hindu Marriage Act, within a time frame fixed by this Court.

Having considered the submissions advanced by the learned counsel for the petitioner and having perused the record this Court is of the opinion that the purpose of filing the present petition shall

stand served if direction is issued to the Additional Principal Judge, Family Court, No. 1, Varanasi, for expeditious disposal of the pending application under Section 24 of the Hindu Marriage Act.

Accordingly, the petition is ***disposed off*** by requiring the Additional Principal Judge, Family Court, No. 1, Varanasi, seized with the application under Section 24 of the Hindu Marriage Act, filed in Divorce Petition No. 85 of 2015 (Dileep Kumar Jaiswal Vs. Shobha Jaiswal), under Section 13 of the Hindu Marriage Act, expeditiously, preferably within a period of two months from the date of service of certified copy of the order of this Court, strictly in accordance with law.

Order Date :- 2.12.2023

Deepak/