

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11658 of 2023

Petitioner :- Arvind

Respondent :- Neeti @ Nishu

Counsel for Petitioner :- Dharmendra Pratap Singh

Hon'ble Ashutosh Srivastava,J.

Heard Shri Dharmendra Pratap Singh, 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 Principal Judge, Family Court, Muzaffarnagar to decide the Misc. Case No. 285 of 2022 (Arvind Vs. Neeti @ Nishu) under Section 13 of the Hindu Marriage Act withi1n a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 18.02.2022 as per Hindu rites and rituals. On 13.07.2022 the respondent had gone with one Kuldeep taking with her Rs. 2 Lac cash, 150 Gram Gold and 300 Gram Silver, from the house of the petitioner. For missing of the respondent the petitioner has registered a missing report on 14.07.2022 at Police Station Nai Mandi, District-Muzaffarnagar. Thereafter on 14.07.2022 the respondent has performed marriage with Kuldeep without taking divorce from the petitioner. Thereafter the respondent filed Criminal Petition No. 6886 of 2022 on 15.07.2022, for protection before the High Court of Punjab and Haryana. In the said case the High Court of Punjab and Haryana passed an order providing protection to the respondent and her second husband Kuldeep vide order dated 18.07.2022. On 10.11.2022, the petitioner filed Misc. Case No. 285 of 2022, before the Principal Judge, Family Court Muzaffarnagar (Arvind vs. Neeti @ Nishu) under Section 13 of the Hindu Marriage Act seeking annulment of marriage with the respondent. He, thus, submits that in the aforesaid suit under Section 13 of the Hindu Marriage Act, notices have been issued, but the respondent did not appear before the Court and ultimately on 04.07.2023 the Court has proceeded ex parte.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Muzaffarnagar seized with the proceedings of Misc. Case No. 285 of 2022 (Arvind Vs. Neeti @ Nishu) 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 Principal Judge, Family Court, Muzaffarnagar seized with the case No. Misc. Case No. 285 of 2022 (Arvind Vs. Neeti @ Nishu), 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/