

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11809 of 2023

Petitioner :- Ashish Malu

Respondent :- Megha Malu

Counsel for Petitioner :- Amit Kumar Srivastava

Hon'ble Ashutosh Srivastava,J.

Heard Shri Amit Kumar Srivastava, 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, Aligarh to decide the Case No. 944 of 2023 (Ashish Malu versus Megha Malu) under Section 13(1)(i)a of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner has solemnized the marriage with the respondent on 21.11.2011, as per Marwari (Maheshwari) tradition. Out of their wedlock, a male child was born on 1.4.2015. After sometimes of marriage, respondents regularly used to abuses the petitioner and his family members. Thereafter, petitioner filed a divorce petition at Telangana which subsequently was transferred at Aligarh by the order of Hon'ble Supreme Court. Learned counsel for the petitioner submits that petitioner belongs to state of Telangana and is unemployed since July, 2017 and in this circumstances, it is very difficult for him to contest the case at Aligarh.

Learned counsel for the petitioner submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Court concerned to decide the same within a time frame fixed by this Court. In order to buttress his argument, learned counsel for the petitioner has invited the attention of this Court to various orders passed by the Court concerned.

I have heard the learned counsel for the petitioner and perused the record.

From the record, it is more than apparent that the opposite party is not interested in defending the case and is lingering on the matter on one pretext or the another. Several dates in the case has been fixed by the Court below.

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, Aligarh seized with the Case No. 944 of 2023 (Ashish Malu versus Megha Malu) under Section 13(1)(i)a 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 :- 30.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)