

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11843 of 2023

Petitioner :- Subhash Chandra

Respondent :- Geeta Alias Gudiya

Counsel for Petitioner :- Alok Singh, Sumitra Singh

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Sumitra Singh, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed, the service of notice upon respondent is being dispensed with.
3. The present petition under Article 227 of the Constitution of India has been instituted for a direction to the Principal Judge, Family Court, Sant Kabir Nagar, District Sant Kabir Nagar to decide the Suit /Case No. 112 of 2021 (Subhash Chandra vs. Geeta @ Gudiya) under Section 11 of the Hindu Marriage Act within a time frame fixed by this Court.
4. Learned counsel for the petitioner submits that plaintiff-petitioner marriage was solemnized with one Indrakala Yadav on 17.07.2010 as per Hindu rites and rituals and from their wedlock three childrens were born. He submits that the marriage of defendant-respondent was solemnized with one Radheyshyam @ Wakeel son of Shyam Bihari. He submits that petitioner and respondent were working together in a NGO and they were only colleague and there was no relationship between them as husband and wife. He submits that defendant -respondent on wrong facts and circumstances has obtained an ex-parte order of maintenance from the Principal Judge, Family Court, Santkabir Nagar. Aggrieved with the order of maintenance plaintiff-petitioner has filed the present suit under Section 11 of the Hindu Marriage Act.
5. He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Sant Kabir Nagar, District Sant Kabir Nagar seized with the proceedings of Case No. 112 of 2021 (Subhash Chandra vs. Geeta @ Gudiya) under Section 11 of the Hindu Marriage Act 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.

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

7. From the record, it transpires that various dates have been fixed in the matter but no order on application filed under section 11 of the Hindu Marriage Act have been passed.

8. 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.

9. Accordingly, the petition is ***disposed of*** by requiring the Principal Judge, Family Court, Sant Kabir Nagar, District Sant Kabir Nagar seized with the case No. 112 of 2021 (Subhash Chandra vs. Geeta @ Gudiya), under Section 11 of the Hindu Marriage Act to conclude and decide the same within a period of ***four 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 :- 13.12.2023

Bhanu