

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12009 of 2023

Petitioner :- Shanu (Ankita) @ Ankita Agrawal

Respondent :- Bittu Agrawal (Prem)

Counsel for Petitioner :- Upendra Kumar Dubey, Surendra Nath Dubey

Hon'ble Ashutosh Srivastava, J.

Heard Sri Surendra Nath dubey, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed, the notice upon the defendant- 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 No.1, Varanasi, to decide divorce petition no.1389 of 2022 (Ankita Vs. Bittu) under Section 13(A) of the Hindu Marriages Act within the time frame fixed by this Court.

Learned Counsel for the petitioner submits that opposite party has put in appearance and has filed written statement and the case has been proceeding at the stage of evidence. He submits that the next date fixed in the matter is 7.12.2023. He further submits that Section 21 (B)(2) of the Hindu Marriages Act contemplates that the proceedings should be brought to its logical end within 6 months. He further submits that purpose of filing the present petition would stand served if a direction is issued to the court concerned seized with the divorce petition no.1389 of 2022 to decide the same within the time frame fixed by this Court.

Having heard learned Counsel for the petitioner, having perused the record as also the order-sheet filed as Annexure-3 to the petition and taking note of the fact that Section 21(B)(2) of the Hindu Marriages Act contemplates that proceedings should be brought to its logical end within 6 months, this Court is of the opinion that it is a fit case in which a direction is issued to expedite the hearing of the matter.

Accordingly, this petition is disposed of requiring Principal Judge, Family Court No.1, Varanasi, seized with divorce petition no.1389 of 2022 (Ankita Vs. Bittu) under Section 13(A) of the Hindu Marriages Act, to conclude and decide the same within 6 months from the date of service of a certified copy of the order of this Court, in accordance with law.

Order Date :- 28.11.2023

Irshad