

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12212 of 2023

Petitioner :- Bullu Yadav

Respondent :- Asharfi Devi

Counsel for Petitioner :- Dharmendra Singh, Pavan Kumar Mishra, Rajnish Kumar Verma

Hon'ble Ashutosh Srivastava, J.

Heard Shri Dharmendra 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, Ghazipur to decide the Matrimonial Case No. 503 of 2020 (Bullu Yadav versus Asharfi Devi) under Section 13 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that pursuant to the notices issued to the opposite party, the service upon the opposite party was being sufficient vide order dated 27.5.2022 and the case was proceeding for framing of the issues. On the next date fixed i.e. 30.7.2022 in the absence of the opposite party, the case was directed to be proceeded exparte. However, the said order was recalled and the matter has been pending for filing of the written statement by the opposite party. Learned counsel for the petitioner submits that in view of Section 21(B) 2 of the Hindu Marriage Act, the proceedings are required to be brought to its logical end within a period of six months from the date of filing of the case.

Learned counsel for the petitioner submits that since, the aforesaid period of six months has since been expired, the purpose of filing the present petition would stand served if appropriate directions are issued to the Principal Judge, Family Court, Ghazipur seized with the proceedings of Case No. 503 of 2020 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.

Having heard learned counsel for the petitioner and having perused the record, particularly, the order sheet which reflects that the matrimonial case was directed to proceed exparte. However, on the appearance of opposite party, the said order was recalled, but written statement has yet not been filed.

In the aforesaid circumstances, this Court deems it appropriate to dispose of this petition considering the mandate of Section 21B (2) of Hindu Marriage Act, by directing the Principal Judge, Family Court, Ghazipur seized with the Matrimonial Case No. 503 of 2020 (Bullu Yadav versus Asharfi Devi) 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.

The writ petition is accordingly ***disposed of***.

Order Date :- 1.12.2023

Ravi Prakash

(Ashutosh Srivastava, J.)