

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 11977 of 2023

Petitioner :- Amit Kumar Srivastava

Respondent :- Madhulika Srivastava

Counsel for Petitioner :- Navin Kumar Sharma, Ganesh Kumar Verma

Hon'ble Ashutosh Srivastava, J.

Heard Shri Navin Kumar Sharma, 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, Deoria to decide the Marriage Petition No. 588 of 2020 (Amit Kumar Srivastava vs. Smt. Madhulika Srivastava) under Section 13 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 04.12.2017 as per Hindu rites and rituals. After the marriage, respondent came to the house of the petitioner but after two days only she returned back to Gorkahpur. On 23.05.2018 the respondent refused to come at the place of the petitioner and never came back. The petitioner in the aforesaid circumstances, earlier instituted a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rites, before the Principal Judge, Family Court Deoria, but the respondent did not appear and the Court passed an ex-parte order dated 01.01.2019 in favour of the petitioner. Thereafter the parties entered into a compromise but thereafter also the respondent is not ready to live with the petitioner. Since the opposite party did not respond with the said proceedings, the petitioner has instituted a suit No. 588 of 2020 seeking annulment of marriage with the respondent. He, thus, submits that in the aforesaid suit, under Section 13 of the Hindu Marriage Act, several dates have been fixed for hearing but the respondent intentionally

absented from the hearing and not cooperating.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Deoria seized with the proceedings of Marriage Petition No. 588 of 2020 (Amit Kumar Srivastava vs. Smt. Madhulika Srivastava) 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.

From the record, it is more than apparent that the opposite party is not interested in appearing in the case. In the proceedings for restitution of conjugal rights also the opposite party had not appeared.

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, Deoria to decide the Marriage Petition No. 588 of 2020 (Amit Kumar Srivastava vs. Smt. Madhulika Srivastava) under Section 13 of the Hindu Marriage Act 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 :- 28.11.2023

Deepak/