

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12098 of 2023

Petitioner :- Mukesh Soni

Respondent :- Smt. Rani @ Ragni @ Rajni

Counsel for Petitioner :- Ram Chandra Solanki

Hon'ble Ashutosh Srivastava,J.

Heard Shri Ram Chandra Solanki, 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, Jhansi to decide the Case No. 1277 of 2019 (Mukesh Soni versus Rani @ Rajni) under Section 12 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner has filed a suit under Section 12 of the Hindu Marriage Act on 11.11.2019 against respondent before the Court below. Thereafter, respondent has put in appearance on 9.3.2020 and matter was referred for mediation, but the same was not successful. Thereafter, respondent filed interim maintenance application which was allowed on 4.1.2022 and petitioner was directed to provide interim maintenance to the respondent. Respondent has filed written statement on 8.9.2021 in the aforesaid case. Thereafter, the case was fixed for evidence on 9.2.2022 and since then respondent is intentionally not cross examining the petitioner and enjoying the interim maintenance amount fixed by the Court below. The entire endeavour of the respondent is to prolong the proceedings of the case.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Jhansi seized with the proceedings of Case No. 1277 of 2019 (Mukesh Soni versus Rani @ Rajni) under Section 12 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.

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 lingering on the matter on one pretext or another. Several dates in this 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, Jhansi seized with the Case No. 1277 of 2019 (Mukesh Soni versus Rani @ Rajni) under Section 12 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 :- 29.11.2023

Ravi Prakash

(Ashutosh Srivastava, J.)