

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12028 of 2023

Petitioner :- Abhishek Bhatt

Respondent :- Smt.Archana Sharma @ Bitto

Counsel for Petitioner :- Chandra Prakash Srivastava

Hon'ble Ashutosh Srivastava,J.

Heard Shri C.P. Srivastava, learned counsel for the petitioner.

Considering the nature of the order that is proposed to be passed the notice upon the sole respondent is being dispensed with.

The present petition under Article 227 of the Constitution of India has been filed for directing the Additional Principal Judge Family Court-05, Allahabad to decide Matrimonial Petition No. 457 of 2022 (Abhishek Bhatt vs. Archana Sharma) under Section 13 (1) (ia)(ib) Hindu Marriage Act, 1955 which is stated to be pending since 21.03.2022.

Learned counsel for the petitioner submits that pursuant to the notices issued, the opposite party has put in appearance in the proceedings on 13.07.2023. However, despite time having been granted to the opposite party for filing written statement, the same has not been filed till date. The case has now been fixed for 08.12.2023.

Learned counsel for the petitioner submits that once the opposite party has put in appearance considering the mandate of Section 21 (B) (2) of the Hindu Marriage Act, 1955 the proceedings may be directed to be decided within the time provided under the said provision. In order to buttress the submissions, learned counsel for the petitioner has invited the attention of this Court to the order-

sheet of the case filed as annexure '2' to the petition, particularly to order dated 13.07.2023 which records that the opposite party has entered her appearance in the proceedings and obtained copy of the plaint, etc., thereafter on three dates, time for filing written statement has been granted to the opposite party.

Taking note of the fact that the opposite party has already put in appearance as also to the mandate of Section 21 (B)(2) Hindu Marriage Act, 1955, the Court is of the opinion that it is a fit case in which directions to expedite the proceedings can be ordered.

Accordingly, the present petition is ***disposed of*** by requiring the Additional Principal Judge, Family Court-05, Allahabad seized with the Matrimonial Petition No. 457 of 2022 (Abhishek Bhatt Vs. Archana Sharma) to make all endeavour 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.

Order Date :- 28.11.2023
Vipasha