

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12052 of 2023

Petitioner :- Rammohini

Respondent :- Awadhesh Kumar

Counsel for Petitioner :- Jitendra Singh

Hon'ble Ashutosh Srivastava,J.

Heard Shri Jitendra 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, Fatehpur, to decide the Divorce Petition No. 517 of 2020 (Rammohini vs. Awadhesh Kumar, under Section 12 of Hindu Marriage Act, 1955, expeditiously, within a time frame fixed by this Court.

Learned counsel for the petitioner submits that the petitioner has not performed marriage with the opposite party. The petitioner has filed a complaint against the school staff namely Awadhesh Kumar regarding an incident of rape but the concerned police has not registered her case. In the aforesaid case it has been stated by the petitioner that one day the respondent Awadhesh Kumar came to the house of the petitioner and stated that he has solemnized marriage with the petitioner and pressurized her to live with him. Thereafter, on coming to know about the marriage with the respondent, the petitioner has filed the aforesaid divorce petition in which the respondent has filed his reply and the case was lastly listed on 16.10.2023.

Learned counsel submits that the purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Fatehpur seized with the proceedings of Divorce Petition No. 517 of 2020 (Rammohini vs. Awadhesh Kumar) 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.

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, Fatehpur seized with the case No. Divorce Petition No. 517 of 2020 (Rammohini vs. Awadhesh Kumar, under Section 12 of Hindu Marriage Act, 1955 to conclude and decide the same within a period of three 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 :- 4.12.2023

Deepak/