

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12136 of 2023

Petitioner :- Smt. Bhawna Yaduvanshi

Respondent :- Sri Kumar Abhinav

Counsel for Petitioner :- Abhay Raj Yadav

Hon'ble Ashutosh Srivastava,J.

1. Heard Shri Abhay Raj Yadav, learned counsel for the petitioner.
2. Considering the nature of the order proposed to be passed notice upon the sole respondent is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed for expeditious disposal of Misc. Case No. 297 of 2019 (Smt.Bhawna Yaduvanshi Vs. Kumar Abhinav) under Section 24 of the Hindu Marriage Act, 1955 in Original Suit No.741 of 2018 instituted by the respondent under Section 13 (1) (i-a) of the Hindu Marriage Act, 1955.
4. It is contended by the learned Counsel for the petitioner that opposite party - respondent has filed Original Suit No. 741 of 2018 (Kumar Abhinav Vs.Smt. Bhawna Yaduvanshi) seeking direction to the learned Principal Judge, Family Court, Gautam Buddha Nagar, to consider and decide the Misc. Case No. 297 of 2019. The petitioner has filed an application under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance which proceeding has been registered as Misc. Case No.197 of 2019.
5. Learned Counsel for the petitioner submits that the said application was filed on 18.12.2019 and objection has already been filed in the said Suit filed by the respondent therein. The various dates have been fixed for consideration of the matter but no order has yet been passed. He submits that even after passage of 4 years, no order has been passed granting interim maintenance and the purpose of filing the said application would stand frustrated. He, thus, submits that appropriate direction be issued to the court concerned to pass appropriate order in the pending application under Section 24 of the Hindu Marriage Act within the time frame fixed by this Court.

6. Having heard learned Counsel for the petitioner and having perused the record, this Court finds that the application for interim maintenance under Section 24 of the Hindu Marriage Act is pending consideration since 18.12.2019 to which objection has already been filed by the respondent herein, who is the plaintiff in the proceedings for annulment of the marriage.

7. In the opinion of the Court, this petition can be disposed of by requiring the Principal Judge, Family Court, Gautam Buddha Nagar, seized with Misc. Case No. 297 of 2019 under Section 24 of the Hindu Marriage Act, to consider and pass appropriate order expeditiously.

8. Accordingly, this petition is ***disposed of*** by requiring the Principal Judge, Family Court, Gautam Buddha Nagar, to consider and pass appropriate order on the pending Misc. Case No. 297 of 2019 under Section 24 of the Hindu Marriage Act expeditiously, preferably within a period of 2 months, from the date of production of certified copy of order of this Court, strictly in accordance with law.

Order Date :- 29.11.2023

Irshad