

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12173 of 2023

Petitioner :- Jainul Hasan

Respondent :- Khushnoor Begum

Counsel for Petitioner :- Najam Uz Zaman Khan

Hon'ble Ashutosh Srivastava,J.

Heard Sri Najam Uz Zaman Khan, 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 filed for expeditious disposal of Marriage Suit No.1271 of 2022 (Jainul Hasan vs. Khushnoor Begum) stated to be pending before the Additional Principal Judge, Family Court No.3, Aligarh.

Learned counsel for the petitioner submits that the said suit has been instituted for execution of conjugal rights under Section 281 of Muslim Personal Law. The concerned Family Court at Aligarh took cognizance of the said suit by an order dated 21.07.2022 and issued notice to the opposite party. The proceeding of the said suit is pending for filing of written statement since 30.8.2022. Learned counsel has invited the attention of this Court to the proceedings of the said suit, which have been brought on record by filing the order-sheet as Annexure-2 to the petition. A perusal of the aforesaid order-sheet reveals that the petitioner was present and last opportunity has been granted to the respondent/opposite party for filing her written statement but even after the said date, at least, four dates have been fixed and now the date fixed in the matter is 25.01.2024. He further submits that the respondent has put in appearance in the said proceeding, however, the respondent has filed a criminal complaint against the petitioner under Sections 498A, 323, 504, 506 IPC on 14.2.2023 and is diligently pursuing the criminal proceeding but is not appearing in the proceedings for restitution of conjugal rights.

He further submits that the purpose of filing the present petition would stand served, if appropriate directions are issued to the court concerned to expedite the proceedings of the Marriage Suit

No.1271 of 2022 (Jainul Hasan vs. Khushnoor Begum) within a time frame fixed by this Court.

Having heard learned counsel for the petitioner and having perused the order-sheet filed as Annexure-2 to the petition and also considering the conduct of the respondent, this Court is of the opinion that the petition can be disposed of by requiring the Additional Principal Judge, Family Court No.3, Aligarh, seized with the proceedings of the Marriage Suit No.1271 of 2022 (Jainul Hasan vs. Khushnoor Begum) to conclude and decide the said suit, expeditiously, preferably, within a period of six months from the date of production of certified copy of the order of this Court, in accordance with law.

Ordered accordingly.

Order Date :- 1.12.2023
m.a.