

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12146 of 2023

Petitioner :- Jay Prakash

Respondent :- Anisha Devi

Counsel for Petitioner :- Babu Ram Yadav, Pradeep Kumar Yadav

Hon'ble Ashutosh Srivastava, J.

Heard Shri Babu Ram Yadav, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India has been filed seeking a direction to the Court of Principal Judge, Family Court, Jaunpur, to decide the divorce petition No. 378 of 2023 (Jay Prakash vs. Anisha Devi), under Section 13 of the Hindu Marriage Act, 1955 within a period of 3 months.

It is contended by the learned counsel for the petitioner that the marriage between the petitioner and the respondent was solemnized in the year 2009 and out of their wedlock a male child was borne who is now 13 years of age and is residing with the respondent in Ludhiana. It is also contended that the respondent has been living in Ludhiana, separately from the petitioner, since 12.10.2013. It is further contended that the petitioner in the above circumstances was compelled to institute the Suit for divorce. The Principal Judge, Family Court, Jaunpur, on the institution of Divorce Case has issued notices to the respondent. The petitioner has also taken steps to serve the respondent by the registered post and the service report, obtained from the postal department, shows that the service upon the respondent, by registered post, has been affected. However, the said factum of service has not been recorded by the learned Principal Judge, Family Court, Jaunpur. Order sheet further reveals that 13.12.2023 is now fixed in the matter.

Learned counsel for the petitioner has vehemently argued that the respondent has been living separately, from the petitioner, since the

year 2013 and there is no possibility of reconciliation between the petitioner and respondent and there has been irreparable break down for marriage relations with the respondent.

In such circumstances, it is prayed that the proceedings of the divorce case be expedited.

Having heard learned counsel for the petitioner, having perused the record and 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, Jaunpur, to conclude and decide the divorce petition No. 378 of 2023 (Jay Prakash vs. Anisha Devi), under Section 13 of the Hindu Marriage Act, 1955, 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 :- 30.11.2023

Deepak/