

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12267 of 2023

Petitioner :- Sakshi Tiwari

Respondent :- Ayush Ranjan Chaubey

Counsel for Petitioner :- Vinay Kumar

Hon'ble Ashutosh Srivastava,J.

Heard Shri Vinay Kumar, 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, Varanasi, to decide the Suit No. 1623 of 2022 (Sakshi Tiwari Vs. Ayush Ranjan Chaubey) under Section 13 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 18.4.2022 as per Hindu rites and rituals. The petitioner's husband (respondent) was working in Chandigarh at that time hence the petitioner went to Chandigarh with him two days after the marriage and stayed there with her husband for 3 years. For a few days the behaviour of her husband/respondent with the petitioner was fine. However, later husband's behaviour turned cruel. The husband came home after drinking alcohol every day and after coming home, husband used to abuse the petitioner as well as her family members but the petitioner continued to bear everything, to save her marriage.

Learned Counsel submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Varanasi, seized with the

proceedings of Suit No. 1623 of 2022 (Sakshi Tiwari Vs. Ayush Ranjan Chaubey) under Section 13 of the Hindu Marriage Act to decide the same within a time frame fixed by this Court.

I have heard the learned counsel for the petitioner and perused the record.

From the record, it is more than apparent that the opposite party is not interested in appearing in the case. In the proceedings for restitution of conjugal rights also the opposite party had not appeared.

Considering the mandate of Section 21-B (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, Varanasi, to decide the Suit No. 1623 of 2022 (Sakshi Tiwari Vs. Ayush Ranjan Chaubey) under Section 13 of the Hindu Marriage Act 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 :- 2.12.2023

Irshad