

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12275 of 2023

Petitioner :- Smt.Nalini Mishra

Respondent :- Suneel Kumar

Counsel for Petitioner :- Adya Prasad Tewari

Hon'ble Ashutosh Srivastava,J.

Heard Shri Adya Prasad Tewari, 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 Addl. Principal Judge, Family Court, Allahabad to decide the Matrimonial Petition No. 1488 of 2022 (Nalini Mishra versus Suneel Kumar) under Section 13 of the Hindu Marriage Act within a time frame fixed by this Court.

Learned counsel for the petitioner submits that divorce petition filed by the petitioner is pending consideration since the year 2022. Learned counsel for the petitioner submits that consequent to publication of the Notice/summons in the newspaper, the respondent has put in appearance before the Court below and thereafter many dates have been fixed for filing written statement, but no written statement has yet been filed. Learned counsel for the petitioner submits that petitioner has also filed a criminal case, being Criminal Case No. 199 of 2022, under Section 498A, 323, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, Police Station Manikpur, District Pratapgarh against the respondent and his family members, which is also pending consideration.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Addl. Principal Judge, Family Court, Allahabad seized with the proceedings of Matrimonial Petition No. 1488 of 2022 (Nalini Mishra versus Suneel Kumar) under Section 13 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 Addl. Principal Judge, Family Court, Allahabad seized with the Matrimonial Petition No. 1488 of 2022 (Nalini Mishra versus Suneel Kumar) under Section 13 of the Hindu Marriage Act to conclude and decide the same 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

Ravi Prakash

(Ashutosh Srivastava, J.)