

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12531 of 2023

Petitioner :- Lalit Kumar

Respondent :- Vandana

Counsel for Petitioner :- Amar Jeet

Hon'ble Ashutosh Srivastava,J.

Heard Shri Amar Jeet, learned counsel for the petitioner.

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

Present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Principal Judge, Family Court, Farrukhabad, for expeditious disposal of the Case No. 772 of 2022 (Lalit vs. Bandana) under Section 13 of the Hindu Marriage Act, within the time frame fixed by this Court.

Learned counsel for the petitioner submits that the marriage of the plaintiff/petitioner, who is resident of Village Bhanwad, District-Devbhumi Dwarika, Gujarat, and the defendant/respondent, who is resident of Aasalpur, Police Station-Navabganj, District-Farrukhabad, Uttar Pradesh, was solemnized on 20.06.2017 according to the Hindu rites and rituals. After some time of marriage the defendant/respondent started quarrel with the parents of the petitioner. The plaintiff/petitioner has tried his level best to save his marital life but failed to do so. Thereafter the petitioner moved a divorce petition, under Section 13 of the Hindu Marriage Act, before the Principal Senior Civil Judge at Khambaliya, Gujarat. The said case was registered as HMP no. 1 of 2018 and the notice was issued upon the respondent.

Learned counsel for the petitioner has invited the attention of this Court to the order sheet, which has been brought on record as Annexure No. 2 to the petition, from which it is borne out that despite notice issued to the opposite party, no one has put in appearance on behalf of the respondent/opposite party. Learned counsel for the petitioner, further invited the attention of this

Court, particularly, to the order dated 13.12.2022, passed by the Principal Judge, Family Court, Farrukhabad, wherein it has been mentioned that the Case No. HMP No. 1 of 2018 has been transferred from Khambhalia, Gujarat to Principal Judge, Family Court, Farrukhabad, in compliance of the order passed by the Hon'ble Supreme Court, in Transfer Petition No. 918 of 2021. The said case was renumbered as Case No. 772 of 2022. Thereafter the respondent has put in appearance in the said case and thereafter several dates have been fixed, lastly on 06.07.2023 the case was fixed for hearing on 25.08.2023, but the case has not been brought to its logical end. Learned counsel for the petitioner submits that a direction be issued to the Court concerned for expeditious disposal of the aforesaid case.

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 Principal Judge, Family Court, Farrukhabad, seized with the Case No. 772 of 2022 (Lalit vs. Bandana) 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 :- 14.12.2023

Deepak/