

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12523 of 2023

Petitioner :- Ravi Kumar

Respondent :- Deepa Singh

Counsel for Petitioner :- Sanjeev Kumar Singh

Hon'ble Ashutosh Srivastava,J.

1. Heard Sri Sanjeev Kumar Singh, learned counsel for the petitioner.
2. Considering the nature of the order that is proposed to be passed, notice upon the private respondent is hereby dispensed with.
3. Present petition, under Article 227 of the Constitution of India, has been filed for expediting the proceedings of Case No. 394 of 2022 (Ravi Kumar vs. Deepa Singh), under Section 9 of the Hindu Marriage Act, 1955, stated to be pending before the Principal Judge Family Court, Gorakhpur.
4. Learned counsel for the petitioner has submitted that the marriage of the petitioner was solemnized with the respondent on 29.11.2019 according to the Hindu rite and rituals. Soon after the marriage on 02.08.2020 the respondent left the matrimonial home and since then she has not returned back to the matrimonial home. Under the said circumstances, an application has been filed by the petitioner under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal right, which proceedings have been registered as Case No. 394 of 2022 and is pending with the learned Principal Judge Family Court, Gorakhpur.
5. Learned counsel for the petitioner has invited attention of this Court to the order-sheet of the proceedings, filed as Annexure-2 to the petition, to demonstrate that on various dates notices were issued requiring appearance of the defendant-respondent in the proceedings but the respondent has not appeared. An application for affecting service upon the defendant-respondent by publication has also been moved by the petitioner, which application is also pending consideration and only dates are being fixed every month for consideration of the said application. He submits that the proceedings of the aforesaid case may be expedited.

6. I have heard learned counsel for the petitioner and have perused the record. From the perusal of the order-sheet, which has been filed as Annexure-2 to the petition, it is borne out that the proceedings under Section 9 were instituted on 20.04.2022 and thereafter dates up to 11.01.2023 were being fixed for filing of the written statement and appearance of the defendant. On 04.03.2023, the petitioner is stated to have filed an application for affecting service upon the defendant-respondent by publication. Thereafter, the dates are being fixed for consideration of the said application.

7. Having perused the order-sheet, the Court is of the opinion that it is a fit case in which direction for expeditious disposal of the proceedings can be ordered. Accordingly, keeping in view the mandate of Section 21-B(2) of the Hindu Marriage Act, 1955, which provides that proceedings under the Act may be brought to its logical end within a period of six months, and taking note of the fact that the proceedings of the present case instituted in April, 2022 is pending solely for the want of affecting service upon the defendant-respondent, this Court is of the opinion that the petition can be disposed of by directing the Principal Judge Family Court, Gorakhpur to conclude and decide the Case No. 394 of 2022 (Ravi Kumar vs. Deepa Singh), under Section 9 of the Hindu Marriage Act, 1955, within a period of six months from the service of a certified copy of this order, in accordance with law.

8. With the aforesaid observation, the present petition is disposed of.

Order Date :- 7.12.2023

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