

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12698 of 2023

Petitioner :- Amit Verma

Respondent :- Smt. Poonam Devi

Counsel for Petitioner :- Vipul Shukla

Hon'ble Ashutosh Srivastava,J.

Heard Shri Vipul Shukla, 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, Shahjahanpur, to decide the Divorce Suit No. 561 of 2021 (Amit Verma Vs. Poonam Devi) under Section 12 of the Hindu Marriage Act, 1955 within a stipulated period.

Learned counsel for the petitioner submits that petitioner's marriage was solemnized with the opposite party on 02.10.2020 as per Hindu rites and rituals. After some time, it came to the knowledge of the petitioner that the opposite party was previously married with one Arvind Kumar and from their wedlock one male child was born in the year 2016. Thereafter, matrimonial disputes arose between the parties and compelling from such disputes the petitioner has filed the aforesaid suit for Divorce under Section 12 of the Hindu Marriage Act, 1955, on 25.07.2021.

On 26.08.2021 the Court concerned has issued notices to the opposite party. On 27.07.2023, the opposite party appeared and seek adjournment. Thereafter several dates have been fixed but the case is pending for one reason or other.

He submits that purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Shahjahanpur, seized with the proceedings of Divorce Suit No. 561 of 2021 (Amit Verma Vs. Poonam Devi) under Section 12 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.

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, Shahjahanpur, seized with the Divorce Suit No.561 of 2021 (Amit Verma Vs. Poonam Devi) under Section 12 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 :- 11.12.2023

Deepak/