

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12660 of 2023

Petitioner :- Sushila Devi Vishwakarma

Respondent :- Arvind Kumar Vishwakarma

Counsel for Petitioner :- Niraj Tiwari, Mahendra Kumar

Hon'ble Ashutosh Srivastava, J.

Heard Shri Niraj Tiwari, 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.

The present petition, under Article 227 of the Constitution of India, has been filed for a direction to the Principal Judge, Family Court, Allahabad, to proceed and decide the Case No. 1382 of 2018 (Arvind Kumar Vishwakarma vs. Shushila Devi and others) under Section 13 of Hindu Marriage Act, 1955 within the time frame fixed by this Court.

It is contended by the learned counsel for the petitioner that the marriage of the defendant/petitioner and respondent/plaintiff was solemnized on 22.06.2012 as per Hindu rites and customs. Thereafter the plaintiff/respondent and his parents started demand of dowry and when the parents of the petitioner show their inability to fulfill the demand the plaintiff/respondent turn out the defendant/petitioner from the matrimonial home and she was compelled to live with her parents. Thereafter the petitioner filed a Case No. 1138 of 2017, Smt. Shushila Devi vs. Arvind Kumar, under Section 125 Cr.P.C. for maintenance. The said case was partly allowed vide order dated 18.07.2023 providing the respondent to pay maintenance to the petitioner but the respondent has not paid even a single penny to the petitioner.

Thereafter, the respondent/ plaintiff has filed a petition for dissolution of the marriage being Case No. 1382 of 2018, Arvind Kumar Vishwakarma vs. Sushila Devi and others, under Section 13 of Hindu Marriage Act, 1955, before the Principal Judge, Family Court, Allahabad.

Learned counsel for the petitioner has submitted that in the aforesaid case the petitioner/defendant has put in appearance and

filed her written statement on 02.05.2023 and thereafter the case is pending before the Court concerned. In such circumstances, it is prayed that the proceedings of the Case No. 1382 of 2018, Arvind Kumar Vishwakarma vs. Sushila Devi and others, under Section 13 of the Hindu Marriage Act, be expedited.

I have heard 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 off*** by requiring the Principal Judge, Family Court, Allahabad, seized with the Case No. 1382 of 2018, Arvind Kumar Vishwakarma vs. Sushila Devi and others, under Section 13 of Hindu Marriage Act, 1955 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/