

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12588 of 2023

Petitioner :- Gaurav Singh Sikarwar

Respondent :- Smt. Vinita Singh Sikarwar

Counsel for Petitioner :- Pawan Kumar, Sujan Singh

Hon'ble Ashutosh Srivastava, J.

1. Heard Shri Sujan Singh, learned counsel for the petitioner.

2. Considering the nature of the order that is proposed to be passed, the service of notice upon respondent is being dispensed with.

3. The present petition under Article 227 of the Constitution of India has been instituted for a direction to the Principal Judge, Family Court, Agra to decide the Matrimonial Petition No. 982 of 2020 (Gaurav vs. Vinita), under Section 13 of Hindu Marriage Act, 1955, expeditiously, within a time frame fixed by this Court.

4. Learned counsel for the petitioner submits that the marriage of the petitioner and respondent (wife) was solemnized on 20.11.2017 according to Hindu rites and rituals but soon thereafter the respondent (wife) started cruelty and deserted the petitioner. Learned counsel for the petitioner submits that the respondent (wife) has also demanded to transfer the matrimonial house in her name and when parents refused to do so, she threatened for false implication of the parents in matrimonial/criminal cases. He further submits that one son has been born out of the wedlock of the petitioner and respondent, who is in the custody of the respondent. He further submits that since 2019 there is no marital relation between the petitioner and respondent. Thereafter, the petitioner has filed the aforesaid divorce petition in which respondent has put in appearance on 02.01.2021 and the case was lastly listed on 15.07.2023.

5. Learned counsel submits that the purpose of filing the present petition would stand served, if appropriate directions are issued to the Principal Judge, Family Court, Agra, seized

with the proceedings of Matrimonial Petition No. 982 of 2020 (Gaurav vs. Vinita), under Section 13 of Hindu Marriage Act, 1955, 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.

6. I have heard the learned counsel for the petitioner and perused the record.

7. 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.

8. Accordingly, the petition is disposed of by requiring the Principal Judge, Family Court, Agra, seized with the Matrimonial Petition No. 982 of 2020 (Gaurav vs. Vinita), under Section 13 of Hindu Marriage Act, 1955, to conclude and decide the same within a period of three 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 :- 8.12.2023

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