

Court No. - 44

Case :- MATTERS UNDER ARTICLE 227 No. - 12652 of 2023

Petitioner :- Ankur Bhatt

Respondent :- Smt. Priyanka Bhatt (Sharma)

Counsel for Petitioner :- Ashwani Kumar Mishra, Priti Choudhary, Sandeep Kumar Keshari

Hon'ble Ashutosh Srivastava, J.

Heard Ms. Priti Choudhary, 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 No. 2, Kanpur Nagar, to proceed and decide the Case No. 340 of 2022 (Ankur Bhatt vs. Smt. Priyanka Bhatt 'Sharma') 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 petitioner and respondent solemnized on 11.05.2012. However, for last several years the respondent has been living separately and has not returned to the matrimonial home. All efforts, to bring back the respondent, has failed and under such circumstances the petitioner has been compelled to institute the case for divorce under Section 13 of the Hindu Marriage Act, 1955.

Learned counsel for the petitioner has invited the attention of this Court to the order sheet of the proceedings to demonstrate that pursuant to the notice issued by the Principal Judge, Family Court, Kanpur Nagar, on 05.02.2022 the petitioner had taken steps for affecting service upon the respondent. Various dates were fixed. However, the respondent did not appear. By order dated 26.05.2023 the service upon the respondent has been held to be sufficient by publication. Further by order dated 17.10.2023, the opportunity to the respondent to file written statement has been

closed and the case has been fixed for evidence of the petitioner/plaintiff. It is thus contended that the respondent, despite service has not put in appearance and the matter is unnecessarily being delayed. In such circumstances, it is prayed that the proceedings of the Case No. 340 of 2022 under Section 13 of the Hindu Marriage Act, be expedited.

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

From the order sheet, that has been brought on record annexed as annexure no. 2 to the petition, it is apparent that the case under Section 13 of the Hindu Marriage Act, 1955, is proceeding ex parte and the opportunity to file written statement has also been closed.

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 No. 2, Kanpur Nagar seized with the Case No. 340 of 2022 (Ankur Bhatt vs. Smt. Priyanka Bhatt 'Sharma'), under Section 13 of Hindu Marriage Act, 1955 to conclude and decide the same within a period of four 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/