

Court No. - 21

Case :- WRIT - C No. - 1000967 of 2003

Petitioner :- Smt Kanchan Srivastava

Respondent :- Civil Judge And Another

Counsel for Petitioner :- N.N. Jaiswal, Prashant Jaiswal, Prashant J

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Pathak, J.

Petitioner (wife) has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India assailing the order dated 07.03.2003, by which, she was directed to appear before the Chief Medical Officer on 14.03.2003 at about 10:30 a.m. for the purposes of medical examination to examine her pregnancy.

During pendency of the matrimonial case under Section 9 of the Hindu Marriage Act, respondent No.2 (husband) has moved a misc. application (paper No.C97) for medical examination of the petitioner with an averment that she had re-married and now pregnant.

While entertaining the instant writ petition, this Court has passed the interim order dated 31.03.2003 staying the effect and operation of the impugned order dated 07.03.2003, however, proceeding before the trial court in the original suit has not been stayed. After lapse of about 20 years, now there is no justification to keep the instant writ petition pending against the impugned order, by which, the petitioner was directed to be medically examined by the Chief Medical Officer to ascertain her pregnancy. No useful purpose would be served to keep the instant writ petition pending against the order impugned dated 07.03.2003. The instant writ petition is become infructuous by efflux of time. Accordingly, the instant writ petition is dismissed having become infructuous.

Order Date :- 30.5.2023

Saurabh Yadav/-