

Court No. - 1

Case :- FIRST APPEAL No. - 102 of 2023

Appellant :- Anurag Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home, Civil Sectt. Lko. And Another

Counsel for Appellant :- Pravin Kumar Singh,Indu Prakash Singh,Usha Tripathi

Counsel for Respondent :- Manoj Kumar Misra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

Heard Sri Pravin Kumar Singh, learned counsel for the appellant and Shri Manoj Kumar Mishra, learned counsel, who has put an appearance on behalf of opposite party no.2.

The instant appeal filed under Section 19(1) of the Family Courts Act, 1984 assails the order dated 10.03.2023 passed by the Family Court on an application C-8 whereby the appellant had asserted his visitation rights to the minor child. This application was filed in the proceedings initiated under Section 13 of the Hindu Marriage Act, 1955. On considering the entire matter, the Family Court has observed that though the application for claiming guardianship would be maintainable under Section 25 of the Guardianship and Wards Act, but such a prayer cannot be made in the proceedings initiated under Section 13 of the Hindu Marriage Act seeking divorce.

We do not find any fault with the order impugned passed by the Family Court on the application 8-C as was moved in the proceedings under Section 13 of the Hindu Marriage Act.

It is thus open to the appellant to invoke appropriate remedy before the competent court under the relevant provisions of law for asserting the rights of guardianship or visitation rights.

At this stage, learned counsel for the appellant has prayed that the proceedings under Section 13 of the Hindu Marriage Act which have prolonged inordinately, therefore, a direction may be issued to the Family Court for expediting the proceedings.

In the facts and circumstances of the case, the Family Court is hereby

directed to expedite the proceedings and decide the same at the earliest.
Parties are directed to co-operate in the proceedings pending before the
Family Court.

In view of above, the First Appeal is **disposed of**.

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[Om Prakash Shukla, J.] [Attau Rahman Masoodi, J.]

Order Date :- 12.10.2023

Mohd. Sharif