

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5159 of 2023

Petitioner :- Prateek Singh

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

Counsel for Petitioner :- Ishan Baghel, Umang Rai

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Lavania, J.

Heard.

At the very outset, learned counsel for the petitioner says that due to typographical error, the year of the case indicated in the prayer clause, has wrongly been mentioned and he may be permitted to correct the same during the course of the day.

The prayer aforesaid is innocuous and accordingly, the same is **allowed.**

Learned counsel for petitioner is permitted to correct the year of the case in the prayer clause during the course of the day.

In view of the order proposed to be passed by this Court, notice to the private-respondents is dispensed with.

By means of the instant petition, the petitioner seeks expeditious disposal of Regular Suit No.594 of 2021 (Prateek Singh vs. Aradhana Dixit) pending before the Additional Principal Judge, Family Court No.2, Lucknow.

Submission of the learned counsel for the petitioner is that the suit, in issue, under Section 13 of the Hindu Marriage Act, 1955 (in short "Act of 1955") was instituted by the petitioner in the year 2021 and the same is pending as Regular Suit No. 594 of 2021 before the Additional Principal Judge, Family Court No.2, Lucknow.

He further submitted that Section 21-B of the Act of 1955 says that the Trial Court shall make all endeavour to conclude the trial within a period of six months from the date of service of notice of the petition on the respondent and in the instant case, the notice was served upon the respondent, as appears from the order passed by the Trial Court on 03.09.2022 and despite the opportunity provided, the written statement has not been filed

by the respondent before the the Trial Court till date.

He further says that from the appearance of the counsel for the respondent before the Trial Court as many as eights dates have been fixed but written statement has not been filed and the case, in issue, is now fixed for 16.11.2023.

He also submitted that both the parties are young and as such, taking note of the same as also the period of pendency of the litigation as also Section 21-B of the Act of 1955, the indulgence of this Court is required in the matter.

Learned standing counsel submits that he has no objection in case an expedite order is passed.

Considering the facts and circumstances, this Court is of the opinion that no gainful purpose will be served in keeping the aforesaid petition pending rather ends of justice can be served by directing the Additional Principal Judge, Family Court No.2, Lucknow to consider and decide the Regular Suit No.594 of 2021, most expeditiously, affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of one year from the next date fixed in the case, if possible and if there is no other legal impediment in this regard. Ordered accordingly.

It is made clear that this Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid, the petition is **disposed of**.

Order Date :- 16.10.2023

Vinay/-