

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 5219 of 2023

Petitioner :- Amitesh Ahuja

Respondent :- Principal Judge/Addl. Principal Judge, Family Court, Lko. And Another

Counsel for Petitioner :- Amarjeet Singh Rakhra, Bashisth Muni Mishra

Hon'ble Rajnish Kumar,J.

Heard Shri Amarjeet Singh Rakhra, learned counsel for the petitioner.

This petition has been filed for a direction for disposal of Divorce Petition No.3464 of 2022; Amitesh Ahuja Vs. Deepali, under Section 13(1)(i) of the Hindu Marriage Act, 1955 expeditiously as possible.

Submission of learned counsel for the petitioner is that the opposite party no.2 has been duly served twice which has been admitted by him in the proceedings before the Sub-Divisional Magistrate, Lucknow in her written statement but she is not appearing, therefore the case is not proceeding, whereas as per Section 21(B) of the Hindu Marriage Act, 1955, the suit should have been disposed of within a period of six months from the date of service of notice. He further submits that there is urgency in the matter because on account of pendency of this matrimonial dispute, the petitioner is being implicated in different cases.

Perusal of the order sheet indicates that affidavit of service has been filed by the petitioner on the last date i.e. 22.09.2023, and accepted issuance of notice after earlier service of notice, if any. The case has been directed to be listed on 13.04.2023 for written statement and issues. However, since the affidavit of service has been filed on the last date and the case has been fixed for written statement and issues, this Court is not inclined to issue any direction at this stage for expeditious disposal in a suit of 2022, when there is huge pendency. However, it is always open to the petitioner to move an application for expeditious disposal of suit before the concerned court showing urgency, which may be considered by the concerned court considering the urgency and the provisions made in the Hindu Marriage Act.

In case any such application is moved by the next date of listing which is said to be 14.11.2023, concerned court may consider the same in accordance with law and may pass appropriate order within a period of two weeks thereafter and proceed accordingly.

With the aforesaid, this petition is **dismissed**.

(Rajnish Kumar, J.)

Order Date :- 13.10.2023

Haseen U.