

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5608 of 2023

Petitioner :- Smt. Kusum Shukla

Respondent :- Sri Dinkar Tiwari

Counsel for Petitioner :- Sachin Shukla,Ritu Maurya,Sharad Kumar

Hon'ble Saurabh Lavania,J.

Heard.

Present petition has been filed for the following main relief:-

"Issue an order or direction in the appropriate nature commanding the learned Family Court, i.e. Additional Principal Judge, Court No.2, Family Court, Lucknow, to decide the Case No.458 of 2018; Kusum Shukla Versus Dinkar Tiwari, under section 13 of Hindu Marriages Act, 1955, pending before it, expeditiously, preferably within a period of three months."

Taking note of submissions of the learned counsel for the petitioner as also the period of pendency of the Suit No.458 of 2018 (Kusum Shukla vs. Dinkar Tiwari) under Section 13 of the Hindu Marriage Act, 1955 (in short "Act of 1955") before the Additional Principal Judge, Court No.2, Family Court, Lucknow as also Section 21-B of the Act of 1955, which says that the suit for divorce shall preferably be decided within a period of six months and the judgment referred in the case of **Narain Tickoo vs. Mrs. Mamta Tickoo; reported in 1998 (16) LCD 827**; this Court is of the view that no fruitful purpose will be served in keeping this petition pending.

Accordingly, present petition is disposed of with direction to Additional Principal Judge, Court No.2, Family Court, Lucknow to consider and decide the Suit No.458 of 2018 (Kusum Shukla vs. Dinkar Tiwari), most expeditiously, after affording full opportunity of hearing to the parties, but without granting any unnecessary adjournment to either of the parties preferably within a period of six months from the next date fixed in the case, if possible and if there is no other legal impediment.

It is made clear that the 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 :- 2.11.2023

Vinay/-