

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6143 of 2023

Petitioner :- Sumit Kumar

Respondent :- The Addl. Principal Judge, Court No. 7, Family Court, Lko.
And Another

Counsel for Petitioner :- Mahfooz Alam

Hon'ble Rajnish Kumar,J.

Shri Mahfooz Alam, learned counsel for the petitioner submits that the petitioner has filed divorce petition No.319 of 2018 before the Family Court, Rudrapur, Udham Singh Nagar, Uttarakhand and the suit was decided ex parte on 08.07.2019. However the ex parte order dated 08.07.2019 was set aside and in pursuance of the order passed by the Hon'ble Supreme Court the Suit has been transferred to the Family Court, Lucknow and is pending in the Court of Additional Principal Judge, Court No.07, Family Court, Lucknow. He further submits that more than five years have passed, but the suit is not being disposed of because the respondent no.2 is not appearing in the matter, on whose instance the case was transferred to the Family Court, Lucknow.

Perusal of the order sheet since 17.07.2021 up to 16.11.2023 indicates that the petitioner himself has not appeared on most of the date. When the petitioner himself is not assisting the court in disposal of the case, he is not entitled for any relief from this court. Even otherwise this court has already issued direction on the administrative side for zero pendency of the cases, which are more than five years old and if the same is not being disposed of despite cooperation of the parties, the parties can always move to the concerned court for expeditious disposal of the case and the concerned court may consider the same and pass appropriate order thereon in shortest possible time and proceed accordingly. However, on the facts and circumstances of the present case the petitioner is not entitled for any relief from this court at this stage.

The petition is, accordingly, **dismissed**.

(Rajnish Kumar,J.)

Order Date :- 8.12.2023

Banswar