

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6170 of 2023

Petitioner :- Sudha Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko And 2 Others

Counsel for Petitioner :- Om Prakash Yadav,Rohit Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar,J.

Shri O.P. Yadav, learned counsel for the petitioner submits that the petitioner has filed Divorce Petition No.448 of 2021, under Section 13 of the Hindu Marriage Act, which is pending in the court of Additional Principal Judge, Family Court, District-Sultanpur. The respondent is lingering on the case, therefore it could not be decided because the case proceeds ex-party on account of his absence. Thereafter he moves an application for recall, which is allowed by the court concerned and thereafter again he absents but this can not be a ground for disposal of suit in a time bound manner because the recall applications are required to be considered by the court concerned in accordance with law, if the case proceeds ex-party.

Perusal of the order sheet also indicates that the recall application of the respondent was rejected on 09.11.2023 and the case was fixed on 28.11.2023 for evidence of the respondent and on 28.11.2023 another recall application has been moved when the petitioner herself was not present, therefore the case has been adjourned for 12.12.2023 for filing objection.

In the aforesaid facts and circumstances, this Court does not deem it appropriate, at this stage, to direct the court concerned for disposal of a divorce petition in a time bound manner. Even otherwise, such grounds or any ground of urgency can be considered by the court concerned only.

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

(Rajnish Kumar, J.)

Order Date :- 11.12.2023

Haseen U.