

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2901 of 2024

Petitioner :- Prafull Kumar Verma

Respondent :- Principal Judge Family Court Barabanki And
Another

Counsel for Petitioner :- Janendra Kumar Verma

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Janendra Kumar Verma, learned counsel for the petitioner.

2. The present writ petition has been filed, *inter alia*, for the following relief:

"(i) To issue a writ, order or direction to the opposite parties no.1 to decide the case Under Section 13(B) Hindu Marriage Act for divorce bearing case no.276 of 2023 "Praful Kumar Verma versus Smt Rubi Verma" as soon as possible pending before him since 27.03.2023.

(ii) To issue an order or direction to the opposite party no.1 to direct the opposite party no.2 to appear before the court for disposal of the case.

(iii) To issue an order or direction to opposite party no.1 to get insure best purpose of filing of case without causing prejudice to any of party."

3. The submission of the learned counsel for the petitioner is that the matter has already been settled between the parties through mediation on 07.06.2023. The terms of the settlement are as under:

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5- पक्षकारगण यह पुष्टि करते हैं और घोषित करते हैं कि उन्होंने मध्यस्थ की उपस्थिति से स्वेच्छा और अपनी स्वतंत्र इच्छा से निपटान का करार किया है।

6- निम्नलिखित करार इसके पक्षकारों के मध्य किया गया-

1- पक्षकारों के मध्य आपसी मतभेद काफी बढ़ जाने के कारण अलग-अलग रहेंगे।

2- पक्षकारों के मध्य लेनदेन हो गया है पक्षकारों ने वन टाइम सेटलमेंट कर लिया है रुबी वर्मा वन टाइम सेटलमेंट के तहत 09 लाख रु० अपने पति प्रफुल्ल कुमार वर्मा से प्राप्त कर चुकी है शेष किसी प्रकार का कोई लेनदेन शेष नहीं है।

3- पक्षकार अपने वाद u/s 13 BH.M. एक्ट में उपस्थित आकर विवाह विच्छेद की डिग्री प्राप्त कर लेंगे।

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4. The contention of the learned counsel for the petitioner is that despite the matter having been settled in the mediation proceedings, the opposite party no.2 is avoiding to appear before the court concerned for final disposal.

5. Learned counsel for the petitioner has annexed the copy of the order-sheet which reflects that the case has been adjourned for one or the other reason. It has been submitted by the learned counsel for the petitioner that although the matter has been settled but due to pendency of the case, the petitioner is unnecessarily being harassed and is facing undue hardship.

6. In view of the nature of the order proposed to be passed, the service of notice upon the respondent no.2 is dispensed with.

7. Taking into consideration the facts and circumstances of the case, this Court is of the view that no useful purpose would be served in keeping this writ petition pending.

8. Accordingly, without advertng on merits of the case, this Court deems it appropriate to finally dispose of the present writ petition with a direction to Principal Judge, Family Court, Barabanki (respondent No.1), before whom the aforementioned matter is pending for disposal, to decide the Case No. 276 of 2023 (Praful Kumar Verma versus Smt Rubi Verma), strictly in accordance with law, expeditiously and if possible on the next date fixed in the matter or within a maximum period of **three months** from the date of receipt of a certified copy of this order, unless there is any legal impediment. It is further directed that no unnecessary adjournments will be granted to either of the parties and the adjournment, if prayed for, will be permissible

to be granted only in exceptional circumstances.

9. With the aforesaid direction, the present writ petition is **disposed of.**

Order Date :- 4.6.2024

Abhishek Gupta