

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 2821 of 2024

Petitioner :- Puneet Kumar Singh

Respondent :- The Ld. Court Of Addl. Prin. Judge Court No. Iv, Family Court, Lko. And Another

Counsel for Petitioner :- Akshay Kumar Singh, Brijesh Kumar Singh, Palak Jawa

Hon'ble Syed Qamar Hasan Rizvi, J.

Heard Shri Brijesh Kumar Singh, learned Senior Counsel assisted by Shri Akshay Kumar Singh, learned counsel for the petitioner.

By means of the present petition the petitioner has prayed for a direction to respondent no.1 to decide the suit filed by the petitioner under Section 13 of the Hindu Marriage Act, 1955 (for short the Act) against respondent no.2 bearing Case No.1350 of 2008 pending before respondent no.1 within a stipulated period of time.

The submission of the learned counsel for the petitioner is that the proceeding under Section 13 of the Act is pending since 2008 and for one or the other reason the matter could not be finally decided as yet although more than 16 years have passed. He has further submitted that the pleadings are complete in the matter but the matter could not have been decided due to non-cooperation from the side of the opposite party.

Copy of the order sheet annexed with the writ petition reveals that the matter was fixed for 10.5.2024. Learned counsel for the petitioner has filed a supplementary affidavit today in the Court to show that again an adjournment has been sought on behalf of the opposite party. The submission of the learned counsel for the petitioner is appealing. Proceeding under Section 13 of the Act is pending since for more than 16 years that cannot be justified.

Taking into consideration the above facts this Court directs the Additional Principal Judge, Court No.4, Family Court, Lucknow to decide Case No.1350 of 2008 (Puneet Kumar Singh v. Asha Singh) on merits as expeditiously as possible, preferably within a period of three months in accordance with law from the date a certified copy of this order is produced before him. In case the lawyers do not co-operate with the proceedings either on account of abstinence of work or otherwise, the court concerned shall permit personal appearance of the parties to address it on the merits of the aforesaid case.

It is made clear that this order has been passed without entering into the merits of the case.

With the aforesaid observations the petition stands finally disposed of.

Order Date :- 4.6.2024

Anupam