

Court No. - 16

Case :- MATTERS UNDER ARTICLE 227 No. - 4397 of 2024

Petitioner :- Rama Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Petitioner :- Praveen Kumar Yadav, Animesh Upadhyay, Saquib Zia Khan

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Saquib Zia Khan, learned counsel for the petitioner as well as Sri Hari Shanker Bajpai, learned A.G.A.-I for the State and perused the record.

This petition under Article 227 of the Constitution of India has been filed with a prayer to issue an order or direction commanding the learned Additional Chief Judicial Magistrate, Lucknow to expeditiously decide the Complaint Case No.4680 of 2013 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Learned counsel for the petitioner submits that the instant matter is pending since 2013 and it has not been decided yet whereas as per Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, the case is to be decided within sixty days from the date of its first hearing.

Section 12(5) of the Protection of Women from Domestic Violence Act, 2005 is being reproduced hereunder:-

"The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing."

He further submits that the learned Magistrate is sitting tight over the matter and is not deciding the instant case as per aforesaid Clause as the matter is pending since 11 years, thus, a positive direction be given to the learned Additional Chief Judicial Magistrate, Lucknow to decide the aforesaid case within a stipulated period.

Learned A.G.A.-I has no objection on the prayer made by the learned counsel for the petitioner and submits that a positive direction be given to the learned Additional Chief Judicial Magistrate, Lucknow to decide the case of the petitioner, as

merely keeping pending the same by the learned Additional Chief Judicial Magistrate, Lucknow does not suffice any purpose of the litigation. He also submits that as per Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, the case is to be decided within sixty days from the date of its first hearing.

In view of the statements made by the learned counsel for the parties and also on perusal of record, it appears that the learned Additional Chief Judicial Magistrate, Lucknow is sitting tight over the matter from last 11 years and as per Section 12(5) of the Protection of Women from Domestic Violence Act, 2005, the case is to be decided within sixty days from the date of its first hearing, thus, the learned Additional Chief Judicial Magistrate, Lucknow is directed to decide the aforesaid case expeditiously i.e. within 45 days, without granting any unnecessary adjournment to either of the parties from the date of filing of the certified copy of this order, unless there is some legal impediment or unless there is any order passed by the higher court staying the proceedings of the case.

The District Judge, Lucknow is also directed to monitor the proceedings of the aforesaid case personally and make efforts to get the case decided as per directions issued by this Court.

With the aforesaid observation, the petition is **disposed of** finally.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this petition and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 13.9.2024

Saurabh