



2025:UHC:8142

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2294 of 2025

12 September, 2025

Archana

--Petitioner

Versus

Ashish Upadhyay

--Respondent

Presence:-

Mr. Vishesh Srivastava, learned counsel for the petitioner.

Hon'ble Pankaj Purohit, J.

This writ petition has been moved by the petitioner, under Article 227 of the Constitution of India, seeking a direction to the learned VIIth Additional Principal Family Judge-I, Dehradun for expeditious disposal of the O.S. No.459 of 2024, Smt. Archana vs. Shri Ashish Upadhyay, filed under Section 13(1)(ia) of the Hindu Marriage Act, 1955, pending before it, within a stipulated time frame.

2. It is contended by the learned counsel for the petitioner that the petitioner filed a divorce suit against the respondent-husband on the ground of cruelty on 20.04.2024. The respondent-husband was served with summons in Original Suit No. 459 of 2024. Thereafter, on 03.01.2025, the respondent-husband filed his written statement without any supporting affidavit. However, on that day, he was not present before the court below, and the matter was further listed on 25.02.2025 for framing of issues. On 23.04.2025, the learned Family Court framed three issues between the parties, but the same was not proceeded with. Thereafter, the Family Court directed the parties to submit their list of witnesses within fifteen days, along with the examination-in-chief



in support of their respective cases, and further listed the matter on 06.06.2025 for the same. On 06.06.2025, the petitioner-wife filed her examination-in-chief along with the list of witnesses, and the matter was listed for cross-examination on 19.07.2025. However, on that date, the respondent-husband sought an adjournment. Approximately 15 months have elapsed since the date of filing of the suit, yet the same has not been decided.

3. The learned counsel for the petitioner further submits that the High Court of Uttarakhand has framed “The Uttarakhand Case Flow Management (for Subordinate Courts) Rules, 2009” by exercising its powers under Article 227 of the Constitution of India. Under Rule 3 of the aforesaid Rules categorization has been made as Track Nos.1, 2 and 3 of the aforesaid Rules. Rule 3(2) of the Rules provides that the Presiding Officer shall endeavor to dispose-off cases under Track 1 within one year, and under Tracks 2 and 3 within two and three years, respectively, from the date of appearance or deemed appearance of the respondent/defendant (opposite party). The case of the petitioner falls in Track 1 being a matrimonial case and shall be endeavoured to be decided within one year.

4. Apart from this, it is also submitted by the learned counsel for the petitioner that Section 21B of the Hindu Marriage Act, 1955, mandates that matrimonial cases be decided expeditiously, preferably within six months from the date of service.

5. Relying upon the above-mentioned Rules and statutory provision, the learned counsel for the petitioner submits that an appropriate direction may be issued to the trial court for the expeditious disposal of O.S. No.459



of 2024, *Smt. Archana vs. Shri Ashish Upadhyay*.

6. Having considered the submissions of the learned counsel for the petitioner and upon perusal of the aforesaid Rules as well as the relevant provisions of the Hindu Marriage Act, 1955, this Court is of the view that the writ petition can be disposed-off with a direction to the learned trial court to decide the case strictly in accordance with the aforesaid Rules and the mandate under Section 21B of the Hindu Marriage Act, 1955, expeditiously, without granting undue adjournments to either party.

7. Accordingly, the writ petition stands disposed-off, in the above terms.

(Pankaj Purohit, J.)

12.09.2025

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