



2025:JHC-1 K0:29647

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 7201 of 2025

Priya Mishra

.....Petitioner(s)

Versus

Ayush Tripathi

.....Respondent(s)

Counsel for Petitioner(s) : Ashish Srivastava
Counsel for Respondent(s) :

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Ashish Srivastava, the learned counsel for the petitioner.
2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has sought issuance of a direction to the learned Principal Judge, Family Court, Lucknow to expedite the Matrimonial Suit No.1772 of 2025 titled *Priya Mishra v. Ayush Tripathi* under Section 13(B) of Hindu Marriage Act and to record the statement of the petitioner through video conferencing.
3. The aforesaid suit has been filed by the petitioner and the respondent-husband of the petitioner under Section 13(B) of Hindu Marriage Act on 17.05.2025 after the respondent had filed an Application under Section 482 No.2384 of 2025 wherein the matter was referred to the Mediation and Conciliation Centre of this Court by means of an order dated 12.03.2025 and the parties entered into a settlement dated 22.05.2025 in the Mediation and Conciliation Centre of this Court agreeing to dissolve their marriage by a decree of divorce by mutual consent.
4. It is recorded in the settlement agreement that the respondent-husband has paid final settlement amount to the petitioner, they have agreed that son of the parties will live with the petitioner and they will withdraw all the cases filed against each other. Accordingly, the petitioner and the respondent have jointly filed the suit under Section 13(B) of Hindu Marriage Act on 17.05.2025. On 19.11.2025, the Principal Judge, Family Court, Lucknow has passed an order wherein it is recorded that both the parties were present before the Court and they filed their affidavits. The Presiding Officer of the

Family Court had some talks with the parties. The order records the opinion of the Court that further negotiations appear to be just and proper and directed the parties to again appear along with their family members on 19.12.2025.

5. When the dispute between the parties had already been referred by means of the order dated 12.03.2025 passed by a Coordinate Bench of this Court in Application u/S 482 No.2384 of 2025, for mediation which has succeeded and a settlement agreement dated 22.05.2025 has already been entered into between the parties wherein they have agreed to get their marriage dissolved by a decree of mutual consent and the respondent has already paid the settlement amount to the petitioner and the parties have filed the suit for divorce by mutual consent and all other cases between the parties have been closed in furtherance of the settlement agreement, there appears to be no justifiable reason for the Family Court not to honor the settlement agreement entered into between the parties before the Mediation and Conciliation Centre of this Court by a reference made by a Coordinate Bench of this Court. Further, the parties are major and the petitioner is working in Infosys and the respondent is working with HCL. Both the parties are well educated.

6. In these circumstances, there is no requirement for the Family Court to order presence of their family members.

7. In these circumstances, the petition is **allowed**.

8. A direction is issued to the Principal Judge, Family Court, Lucknow to record the statement of the petitioner by virtual mode without insisting the personal appearance of the petitioner and to decide the Regular Suit No.1772 of 2025 under Section 13(B) of Hindu Marriage Act, 1955 expeditiously, keeping in view the provisions contained in the aforesaid Section along with the provision contained in Section 21 (B)(3) of the Hindu Marriage Act, 1955.

December 16, 2025

-Amit K-

(Subhash Vidyarthi,J.)