



CGHC010395102026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

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WP227 No. 1304 of 2026

Raghubir Das S/o Amar Das Mahant, Aged About 55 Years Caste Panika, R/o Vijay Nagar Dipka, Police Station Dipka, Tahsil Katghora, District Korba (C.G.)

... **Petitioner(s)**

versus

Smt. Padmawati W/o Raghubir Das D/o Pardeshi Das Mahant, Aged About 50 Years R/o Bhagwati Basera Barpali Chowk Champa, Post Champa, District Janjgir-Champa (C.G.)

... **Respondent(s)**

(Cause-title taken from Case Information System)

For Petitioner(s) : Mr. Rupendra Kumar Dewangan, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

08/10/2026

Heard.

1. This writ petition has been filed by the petitioner claiming the following reliefs:

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of Civil Suit No. 64-A/2025 (Raghubir Das Vs. Smt. Padmawati) pending before the Court of learned Judge of the Family Court, Camp Court Katghora, District Korba (C.G.) for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to direct the Court of learned Judge of the Family Court, Camp Court

Katghora, District Korba (C.G.) to conclude the case bearing Civil Suit No. 64-A/2025 (Raghubir Das Vs. Smt. Padmawati and others) within further period of 6 months as the case is pending for trial since 16.06.2025.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner would submit that the petitioner has filed an application under Section 13(1)(b) of the Hindu Marriage Act, 1955 before the learned Family Court, Korba Camp Court, Katghora, District Korba (C.G.). The application was filed on 16.06.2025. The notice has been served upon the non-applicant on 16.09.2025, but she has not appeared in the proceeding. Thereafter, the learned Family Court issued a bailable warrant on 22.01.2016, which could not be served upon her and the proceeding is pending. Considering the nature of the case, the petitioner has also filed an application under Order 5 Rule 20 of the CPC for substituted service of summons upon the non-applicant. Therefore, the learned Family Court may be directed to expedite the proceedings of the case and conclude the same within a reasonable time frame.
3. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
4. From the order-sheets annexed with the petition as Annexure P/1, it transpires that the petitioner has filed an application under Section 13(1)(b) of the Hindu Marriage Act on 16.06.2025. Thereafter, on 16.09.2025, the notice was served upon her. However, the order-sheet dated 30.09.2025 reflects that the non-applicant showed her inability to

appear due to poverty and illness. Thereafter, on 22.01.2025, a bailable warrant was issued to her. From the order-sheets dated 24.04.2026 and 24.06.2026, it transpires that the bailable warrant could not be served upon her and the case is still pending for service of the bailable warrant upon her.

5. In view of the aforesaid, since the learned Family Court is trying to secure the presence of the non-applicant so that an effective adjudication may be made in the case, the direction to conclude the trial of the case within a reasonable time frame cannot be appropriate. However, it is expected that the learned Family Court shall proceed expeditiously in accordance with law.
6. With the aforesaid observation, the present writ petition is disposed of.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Alok