



CGHC010396122026



2026:CGHC:44752

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1341 of 2026

1 - Rakesh Pataila S/o Ramdas Pataila, Aged About 41 Years, R/o 184 Block-A, Talpuri, Bhilai, P.S. Raubandha, Tahsil Bhilai, District Durg, Chhattisgarh.

... Petitioner

versus

1 - Smt. Melif Agare W/o Rakesh Pataila, Aged About 33 Years, D/o Deman Prasad Agre, R/o A-4, Radhswami Nagar, Sai Mandir Gali, Bhatagaon, Raipur, Chhattisgarh. Permanent R/o Village And Post Banrasi, P.S. And Tehsil Arang, District Raipur, Chhattisgarh.

... Respondent

(Cause title taken from Case Information System)

For Petitioner : Mr. Mahendra Kumar Rathia and Ms. Shakuntala Ratre,
Advocates.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

15-10-2026

1. Heard.
2. The petitioner has filed the present writ petition seeking the following relief(s):-

“10.1 That, the Hon'ble Court may kindly be pleased to Issue an appropriate writ, order or direction under Article 227 of the Constitution of India, directing the learned Second Additional Principal Judge, Family Court, Raipur, in Case No. 380/2025, titled Rakesh Pataila Versus Smt. Melif Agare to decide the petitioner's pending application dated 11.03.2026, filed under Order 8 Rule 1 read with Section 151 CPC, within a time-

bound period, preferably within 30 days.

- 10.2 That, the Hon'ble Court may kindly be pleased to Direct the learned Family Court to consider the petitioner's prayer for closure of the respondent's right to file her written statement in accordance with law, taking into consideration the delay and the conduct of the respondent.
 - 10.3 That, the Hon'ble Court may kindly be pleased to Direct the learned Family Court to proceed with the case expeditiously, without granting unnecessary adjournments, in accordance with law.
 - 10.4 That, the Hon'ble Court may kindly be pleased to Pass any other order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”
3. Learned counsel for the petitioner would submit that the petitioner is applicant before the learned Family Court where he is prosecuting the application under Section 13(1)(1-b) of the Hindu Marriage Act, 1955. On 23-04-2025 notice was issued to the non-applicant and she appeared in the proceeding on 24-09-2025. Thereafter, the non-applicant sought time repeatedly for filing of reply of the application and till date the reply has not been filed by the non-applicant. On 11-03-2026 the applicant had also filed an application under Order 8 Rule 1 of the CPC for forfeiting right of the non-applicant for filing of written statement, however, that application has also not been decided till date. Therefore, the learned Family Court may be directed to expedite the proceeding and to decide the application under Order 8 Rule 1 of the CPC filed by the petitioner within a reasonable time frame.
 4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.
 5. From perusal of the order sheets of the learned Family Court it transpires that

the petitioner has filed an application under Section 13(1)(1-b) of the Hindu Marriage Act, 1955 on 23-04-2025 and till date the reply has not been filed despite repeated time taken by the non-applicant. From order sheet dated 11-03-2026 it also transpires that an application under Order 8 Rule 1 of the CPC has been filed by the petitioner for forfeiting the right to file written statement of the non-applicant, but that application has also not been considered nor the non-applicant has filed her written statement.

6. Considering the documents annexed with the petition and the submissions made on behalf of the petitioner, this Court is inclined to direct the learned Family Court to decide the application filed by the petitioner under Order 8 Rule 1 of the CPC within a reasonable time frame and also expedite the proceeding of the case.
7. Accordingly, the learned Family Court is directed to decide the application filed by the petitioner under Order 8 Rule 1 of the CPC on the next date of hearing before it, i.e., 28-10-2026 after hearing the parties or on any subsequent date not more than 15 days from that day and shall proceed further in the suit expeditiously in accordance with law and to conclude the same as early as possible.
8. With the aforesaid observation, the present writ petition is disposed of.

Sd/-

(Ravindra Kumar Agrawal)
Judge