

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18495 of 2014

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Sunil Kumar Sarayar son of Shri Kailash Pati Narayan, resident of Plot no. V-7, at Mohalla-Vidyapuri Kankarbagh, P.S. Patrakar Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the registrar Family Court Patna.
2. Smt. Shini Verma aged about 41 years, wife of Sri Sunil Kumar Sarayar, and D/o late Ravindra Kumar Verma, resident of C/o Smt. Usha Verma, A/75, Lohiya Nagar, Housing Colony, P.S. Kankarbagh, District-Patna, in the State of Bihar, at present residing with her brother, C/o Sri Devesh Verma, R/o Flat No. C/24, Krishna Apartment, P.S.-Srikrishnapuri, District-Patna.
3. Animesh Kumar son of late R.K. Verma, resident of 63, Espace Nirvana Country, Sector-50, Gurgaon, 122018, Harayana, at present residing at A/75, Lohiya Nagar, Housing Colony, P.S.-Kankarbagh, District-Patna, in the State of Bihar.
4. Devesh Verma son of late R.K.Verma, resident of Flat No. C/24 Krishna Apartment at Mohalla-Boaring Road, P.S. Srikrishnapuri, District-Patna, in the State of Bihar.
5. Smt. Usha Verma wife of late R.K. Verma, A/75, Lohiya Nagar Housing Colony, Mohalla-Kankarbagh, P.S. Kankarbagh, District-Patna, in the State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Kant Tiwary

For the Respondent/s : Mr. SUNIL KR. MANDAL

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-01-2015

Heard Mr. Mishra, the learned senior counsel appearing
on behalf of the petitioner.

The present application under Article 227 of the

Constitution of India has been filed assailing the order dated 16.07.2014 passed in Guardianship Case No. 52 of 2010 by the learned Additional Principal Judge, Patna.

The learned senior counsel for the petitioner has placed before the Court the order impugned as well as the later order passed in the aforesaid guardianship case. By the impugned order, the learned court below has rejected the petition dated 10.11.2011 whereby the prayer was made for permitting the minor child to remain for one week with mother and thereafter for one week with father. It has been recorded in the order sheet that the said minor child refused to go with the father and the learned court below thereafter has observed that the aforesaid prayer shall be considered while passing the final order. However, from the later order dated 01.09.2014, it transpires that the learned court below has debarred the defendant-respondents from filing the written statement and has further directed the present petitioner to produce his evidence.

In view of the aforesaid facts and circumstances, the learned senior counsel has submitted that a direction be issued to the learned court below to dispose of the Guardianship Case No. 52 of 2010 expeditiously and within a fix time frame.

Considering the aforesaid facts and circumstances, this Court is inclined to direct the learned court below to dispose of the

Guardianship Case No. 52 of 2010 within a period of four months from the date of receipt/production of this order as this Court is satisfied that such matters should not be unnecessarily delayed due to dilatory tactics adopted by any of the parties therein. The interest of the minor child and his future should always be kept mind while dealing with such cases which require expeditious trial.

It is noted that this order has been passed without notice to the other side as in view of the nature of the order, this Court has not found it necessary to hear the other side.

(V. Nath, J)

Devendra/-

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