

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4927 of 2014

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Sanjeet Kumar Agrawal S/O Raj Kumar Agrawal R/O B-904, Ashirwad
Park, City Light, Surat, P.S.- Umra, Distt- Surat- Gujrat.

.... Petitioner/s

Versus

Mukta Agrawal Daughter Of Vijay Kumar Saraf, Resident Of Mohalla New
Bhalbhadrapur, Police Station- Laheriasarai, Darbhanga, Distt- Darbhanga.
Presently Residing At F-303, Green Vista, Atghora, Rajarhat, Kolkata,
W.B.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.4763 of 2014

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Sanjeet Kumar Agrawal S/O Raj Kumar Agrawal R/O B-904, Ashirwad
Park, City Light, Surat, P.S. Umra, District Surat (Gujrat).

.... Petitioner/s

Versus

Mukta Agrawal D/O Vijay Kumar Saraf Resident Of Mohalla New
Bhalbhadrapur, Police Station Laheriasarai, Darbhanga, District Darbhanga,
Presently Residing At F-303, Green Vista, Atghora, Rajarhat, Kolkata
(W.B.).

.... Respondent/s

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Appearance :

(In CWJC No.4927 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

(In CWJC No.4763 of 2014)

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

5 02-11-2015 Heard Mr. Ranjan Kumar Dubey, the learned counsel

for the petitioner in both the writ applications. Nobody has

appeared on behalf of the sole respondent even after the service of

notice as evident from the Goswara at flag-A.

The C.W.J.C. No. 4927 of 2014 has been filed for a direction to the learned court below for expeditious disposal of Matrimonial Case No. 29 of 2011 by conducting day to day hearing in the light of the previous direction of this Court passed in C.W.J.C. No. 19173 of 2011. The similar prayer has been made in C.W.J.C. No. 4763 of 2014 with regard to Guardianship Case No. 02 of 2011. It appears from order dated 08.12.2011 passed by this Court in C.W.J.C. No. 19287 of 2011 along with C.W.J.C. No. 19173 of 2011 (Annexure-5) that the direction was issued to the learned court below to dispose of the matrimonial case within a reasonably short period and if possible, by hearing day to day without adjourning the case unnecessarily but according to law.

Mr. Dubey, the learned counsel for the petitioner has submitted that, according to his instruction, now the evidence of the parties in Matrimonial Case No. 29 of 2011 have been closed and complete and the case been placed for argument and the next date is 3rd of November 2015. The learned counsel, in this backdrop, has confined his relief for a direction to the learned court below to dispose of the matter at the earliest in view of the fact that the presiding officer is going to superannuate on 31.12.2015. Mr. Dubey has further submitted that if the learned

court below would be ready to pass appropriate order with regard to the guardianship of the child in accordance with the provision as contained in Section 26 of the Hindu Marriage then the petitioner would withdraw the Guardianship Case No. 02 of 2011.

As already noticed, nobody has appeared on behalf of the sole respondent when the matter has been taken up.

After considering the facts and circumstances of the case and the submissions, it appears that there has already been direction to the learned court below to dispose of the two cases i.e. Matrimonial Case No. 29 of 2011 and Guardianship Case No. 02 of 2011 at the earliest without adjourning the case unnecessarily. The matrimonial case, according to the learned counsel for the petitioner, has now been fixed for argument.

In this view of the matter, this Court finds it expedient in the interest of justice to direct the learned court below to proceed with the hearing of the case and dispose it of at the earliest after the conclusion of the arguments of the parties, in view of the submission by the learned counsel for the petitioner that according to his instruction the presiding officer of the court who has heard the matter is going to superannuate on 31.12.2015. With regard to the another submission by the learned counsel for the petitioner on the basis of the provision of Section 26 of the

Hindu Marriage Act, the petitioner is granted liberty to make such prayer in the learned court below expressing his readiness to withdraw the Guardianship Case No. 02 of 2011 in that circumstance. If such prayer is made by the petitioner, the learned court below shall consider the same in accordance with law.

The writ application is, accordingly, disposed of with the aforesaid observations and directions.

(V. Nath, J)

Devendra/-

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