

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.2378 of 2015

Decided on: April 10, 2015.

Sanjeev Gupta

.... Petitioner

Versus

Ritu Gupta

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Sanjeev Gupta petitioner in person.

M.M.S. BEDI, J (ORAL)

This is a petition under Article 227 of Constitution of India filed by the petitioner, who has filed a petition under Section 9 of the Hindu Marriage Act against his wife in the Family Court at Faridabad. The petitioner has sought setting aside the order dated 05.01.2015 and 06.01.2015.

Perusal of the order dated 05.01.2015 indicates that the matrimonial dispute was referred to the Mediation and Conciliation Centre. Observing objectionable conduct of the petitioner to the effect that he had shouted in the Court and created nuisance, disrupting the proceedings of the case and did not allow the Court or the lawyers to speak, he was turned out of the Court with the assistance of the Niab Court. Order dated 06.01.2015 records certain objectionable words uttered by the petitioner against the Presiding Officer of the Family Court. The orders dated 05.01.2015 and 06.01.2015 so far as they relate to the factual situation in the Court alleged

to have been created by the petitioner, this Court will not have any jurisdiction to comment on the same.

The petitioner, present in person, has submitted that he had not committed any wrong in the Family Court and that the observations qua his mental state and conduct require to be expunged.

After hearing the petitioner at length, I am of the opinion that in case, the petitioner seeks to expunge any adverse remarks against him, as observed by the Family Court, it will be appropriate that he moves an application before the same Court for expunging the remarks in the judicial orders. It is ordered that in case, he moves an application for expunging the remarks, which have been recorded in the judicial orders, it will be open to the Family Court to expunge the remarks.

This petition is disposed of as pre-mature, granting above said liberty to the petitioner.

The petitioner has been advised to be courteous and polite in the Court and to observe the ethics which are generally required to be followed by the Advocates and litigants in the Court and not to utter any derogatory remarks against the Presiding Officer.

The petitioner may file the application, as aforesaid, within a period of one month.

At this stage, the petitioner has submitted that despite the fact the respondent-wife has not filed any written statement though he had filed an application for restitution of conjugal rights on 21.04.2013, the case is being proceeded with on merits. On asking of the Court, he informs that his wife has not filed any application under Section 24 of the Hindu Marriage

Act but she has filed an application under Order 7 Rule 11 CPC which has not yet been decided.

Without commenting on the allegations of the petitioner, I deem it appropriate to advise the Family Court to dispose of the application under Order 7 Rule 11 CPC filed by the wife expeditiously and make an attempt to expeditiously dispose of the application under Section 9 of the Hindu Marriage Act in accordance with law expeditiously, taking into consideration the provisions of Section 21-B of the Hindu Marriage Act.

This order will not in any manner prejudice the authority of the Family Court to pass any appropriate order in the interest of maintaining the dignity and honour of the Court.

(M.M.S. BEDI)
JUDGE

April 10, 2015.
harsha