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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 647/2017

R Petitioner
Through: Mr. Kuldeep Kumar, Advocate

versus

P Respondent
Through: Mr. Jai Bansal and Mr. Sudhir
Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
04.12.2017

1. The petitioner is seeking direction for expeditious trial and day to day hearing of the following five pending cases:
 - (i) Divorce petition under Section 13(1)(ia) of the Hindu Marriage Act pending before Principal Judge, Family Court.
 - (ii) Complaint under the Protection of Women from Domestic Violence Act, 2005 pending before the Metropolitan Magistrate.
 - (iii) Criminal case relating to FIR under Sections 498A/406/34 IPC pending before the Metropolitan Magistrate.
 - (iv) Petition under Section 125 Cr.P.C. pending before Principal Judge, Family Court.
 - (v) Petition under Sections 7 and 25 of the Guardianship and Wards Act, 1860 pending before Principal Judge, Family Court.
2. Learned counsel for the respondent submits that one petition relating to five cases namely two criminal cases and three cases pending before Family Court is not maintainable. It is further submitted that directions with

respect to the criminal cases cannot be issued in a Civil Misc. (Main) petition.

3. Learned counsel for the petitioner submits that this petition relating to five cases is maintainable under Article 227 of the Constitution of India as the reliefs prayed are civil in nature and this Court is competent to pass directions with respect to all the five cases.

4. This Court is of the view that this Court can only deal with the civil cases in Civil Misc. (Main) petition as per the roster and therefore, no directions can be passed with respect to the criminal cases.

5. During the course of hearing, it was suggested to counsel for the petitioner to consider withdrawing this petition with liberty to file Civil Misc. (Main) petition relating to the civil matters and Criminal Misc. (Main) petition relating to the criminal matters, which is not acceptable to counsel for the petitioner.

6. The petition is dismissed. Needless to say that the petitioner is at liberty to file appropriate petitions in accordance with law.

J.R. MIDHA, J.

DECEMBER 04, 2017

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