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

+ **W.P.(C) 1027/2017**

JITENDER KUMAR ATTRI Petitioner

Through : Mr. Viresh Chaudhary and Mr.
Parambeer Singh, Advocates

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through : Mr. Anuj Aggarwal, ASC with Ms.
Niti Jain and Mr. D.Mukherjee, Advs.
Mr. Rajshekhar Rao, Adv. for DHC
Mr. Vijay Pal Bhiduri, Adv. for R-3

+ **W.P.(C) 1121/2016**

COURT ON ITS OWN MOTION Petitioner

Through : Mr. Avadh Kaushik, Advocate

versus

GOVT. OF NCT OF DELHI & ANR Respondents

Through : Mr. Rajshekhar Rao, Adv. for DHC
Mr. Anuj Aggarwal, ASC with Ms. Niti
Jain and Mr. D.Mukherjee, Advs.

+ **W.P.(C) 11036/2016**

KULDEEP DANDRIYAL Petitioner

Through : Mr. Viresh Chaudhary and Mr.
Parambeer Singh, Advocates

versus

GOVT OF NCT OF DELHI AND ORS Respondents

Through : Mr. Rahul Mehra, Standing Counsel
with Mr. Gautam Narayan and Mr.
Shatrajit Banerji, Advs.
Mr. Rajshekhar Rao, Adv. for DHC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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24.04.2017

The respondents have produced a copy of the notification dated 09.02.2017 notifying the establishment of six additional family courts and also sanctioning posts for supporting administrative staff including the posts of six additional junior stenographers over and above the 22 posts lying vacant.

With regard to the disposal of petitions under Section 13B(2) of the Hindu Marriage Act, 1955 (for short, 'the Act'), the learned *Amicus Curiae* urged that the application under Section 13B(1) of the Act are numbered as substantive proceedings and disposed of after the statements of the parties are recorded at the first motion stage. The learned *Amicus Curiae* also urged that Section 13B(2) proceedings are to be numbered as separate substantive proceedings, which inevitably causes delay inasmuch as the file of the first motion proceedings under Section 13B(1) of the Act has to be requisitioned before orders under Section 13B(2) are to be made.

Having considered the submissions of the parties, this Court is of the opinion that it is pertinent that the channel under Section 13B(1) and (2) be examined for the purpose of expeditious disposal of the same and to avoid harassment of the litigants who might have to wait for the Section 13B(1) proceedings to be retrieved before their second motion petition can be taken.

Besides, independent numbering could well result in giving a misleading picture regarding the institution and disposal of the matters, given that in effect a final resolution of the dispute would be to attain a decree of dismissal after the second motion. The High Court Establishment shall examine the matter administratively and put up the same for consideration before the Full Court.

The writ petitions are disposed of in the above terms.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

APRIL 24, 2017

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