

C.R. No.1090 of 2018

-1-

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

C.R. No.1090 of 2018

Date of Decision.28.02.2018

Birjesh Kumar Verma

.....Petitioner

Vs

Puneeta Soni

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

-:-

AMIT RAWAL J.(ORAL)

C.M. No.4287-CII of 2018

Application is allowed.

Zimni orders (Annexure P-4 to P-17) are taken on record.

C.R. No.1090 of 2018

The revision petition has been filed for issuance of direction to the Family Court, Faridabad to decide the divorce petition bearing No.492 of 2017 as expeditiously as possible and preferably within a period of two months. The zimini orders have been placed on record from which it is evident that the divorce petition was filed before the Family Court at Gurugram but owing to the order passed by this Court in Transfer Application No.595 of 2016, it was transferred to Faridabad. The Faridabad Court took the cognizance of the matter on 20.04.2017. Both the parties appeared before the Family Court, Faridabad on 17.05.2017. The written statement was not filed on the first date i.e. 10.07.2017 and the matter was adjourned to 18.08.2017. On 18.08.2017, the written statement was filed and the case was adjourned to 21.09.2017. On that date, on the basis of

applications under Section 24 of the Hindu Marriage Act and Section 21-B were not filed and the case was adjourned to 07.10.2017. On that day also replies in the aforementioned applications were not filed. On the next date of hearing i.e. 23.10.2017, reply in the application under Section 24 of the Hindu Marriage Act was filed and the case was adjourned to 1.11.2017 for arguments. On that date, on the request of learned counsel for the respondent, the case was adjourned for 16.11.2017 for arguments. On 16.11.2017, the Presiding Officer was on leave as indicated in the order and the case was further adjourned to 17.11.2017. On 17.11.2017, both the parties sought adjournment and the matter was adjourned to 08.12.2017. On that date, written arguments in applications under Section 24 and 21-B of the Hindu Marriage Act were filed and the matter was adjourned to 19.12.2017 for filing reply to the written arguments. On the adjourned i.e. 19.12.2017, reply to the written arguments was not filed but equally so, the petitioner-husband did not examine any evidence. The order dated 19.12.2017 reads as under:-

“Present: Sh. P.K. Tyagi, counsel for the petitioner.

Sh. Narender Sharma, counsel for the respondent.

No PW is present. Reply to written arguments on application under Section 24 of HMA and application under Section 21-B of HMA not filed on behalf of respondent. Date sought by counsel for the respondent. Heard. Now to come up on 06.01.2018 for filing reply to written argument on above said applications. Evidence on behalf of petitioner be produced on 09.03.2018.

sd/-

(Dr. Sarita Gupta)

*District Judge, Family Court-I
Faridabad*

Date of order:19.12.2017

UID No.HR0034

Next date:06.01.2018.”

On 06.01.2018, the respondent had filed reply to the written arguments and the matter was adjourned for arguments to 20.01.2018. However, on 20.01.2018, the Court again noticed that the reply to the written arguments on applications under Section 24 and 21-B of the Hindu Marriage Act was not filed. The order dated 06.01.2018 and 20.01.2018 are reproduced as under:-

“Order dated 06.01.2018

*Present: Petitioner in person with Sh.P.K. Tyagi, Advocate
Respondent in person with Sh. Narender Sharma,
Adv.*

*Reply to written arguments on applications under
Section 24 of HMA and Section 21-B of HMA not filed. Date
sought by counsel for the respondent. Heard. Now to come up
on 20.01.2018 for filing reply to written arguments on above
said applications.*

sd/-

*(Dr. Sarita Gupta)
District Judge, Family Court-I
Faridabad*

Date of order:06.01.2018

UID No.HR0034

Next date:20.01.2018.

Order dated 20.01.2018

*Present: Petitioner in person with Sh.P.K. Tyagi, Advocate
Sh. Narender Sharma, Adv. for the respondent.*

*Reply to written arguments on applications under
Section 24 of HMA and Section 21-B of HMA not filed. Date*

sought by counsel for the respondent. Heard. Now to come up on 17.02.2018 for filing reply to written arguments on above said applications.

*sd/-
(Dr. Sarita Gupta)
District Judge, Family Court-I
Faridabad*

*Date of order:20.01.2018 UID No.HR0034
Next date:17.02.2018.”*

It has been brought to the notice of the Court that next date before the Court below is 09.03.2018.

Keeping in view the aforementioned zimni orders, it is evident that the petitioner was not present to lead evidence which he undertook to lead by taking three effective opportunities, provided the respondent be also given three opportunities. Therefore, I deem it appropriate to dispose of the revision petition with a direction to the Family Court, Faridabad to dispose of the divorce petition as expeditiously as possible and to decide the applications under Section 24 and 21-B of the Hindu Marriage Act preferably on the next adjourned date.

**(AMIT RAWAL)
JUDGE**

February 28, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No