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

+ **CM(M) 1115/2018**

VED MITTER TALWAR

..... Petitioner

Through: Mr. Gaurav Gaur & Mr. Vivek Gaur,
Advs.

Versus

REKHA TALWAR

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.09.2018

CMs No.38046/2018 & 38047/2018 (both for exemption)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

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3. Expeditious disposal of HMA No.781/2015 of the Court of Principal Judge, North-West, Family Court, Delhi is sought by filing this petition under Article 227 of the Constitution of India.
4. In the list of dates filed along with the petition, it is disclosed that the petition before the Family Court, for dissolution of marriage, was filed on 7th September, 2015; the respondent was proceeded against *ex parte* but subsequently made an application and the *ex parte* proceedings against the respondent were set aside and the respondent filed a written statement on 18th January, 2017; the application of the respondent under Section 24 of the Hindu Marriage Act, 1955 was decided on 27th July, 2017 and the parties referred to counsellor; and, since 16th November, 2017 till 10th August, 2018,

the proceedings were adjourned owing to the vacancy in the Family Court. It is further informed that the proceedings are now listed next on 22nd November, 2018.

5. The vacancy in the Family Court has since been filled up and must be in the process of being notified. Since the counsel for the petitioner states that the vacancy continues till date, it is expected that there will be a Presiding Officer in the Family Court on the next date of hearing i.e. 22nd November, 2018.

6. At this stage, the proceedings can be expedited only if transferred to another Family court.

7. However, it is felt that if notice of this petition is issued, it will take about the same time.

8. I have also understood from the counsel for the petitioner, the reasons if any for granting preferential treatment to the petitioner over others whose cases are also in the same court and which are also getting adjourned. Without such reason, the petitioner, merely because can afford to approach this Court, cannot be given preference over others. The only reason stated for the urgency is that the petitioner is 50 years of age and the respondent is 44 years of age and both need to start life afresh. The respondent has not approached this Court and as is evident, is opposing the dissolution of marriage sought by the petitioner.

9. The reason stated does not entitle the petitioner to any preferential treatment.

Dismissed.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 17, 2018/‘gsr’..

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