

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 396 of 2020

Archana Prasad, W/o. Shri Abhinav Saurabh Prasad, aged about 32 years,
R/o. Near Jyoti School, Jhanda Chowk, Sanjay Nagar, P.S. Tikarapara,
Raipur, Tehsil and District- Raipur, (C.G.).

---- Petitioner

Versus

Abhinav Saurabh Prasad, S/o. Shri A.W. Prasad, aged about 38 years, R/o.
Near Little Flower School, Katora Talab, P.S. Civil Lines, Raipur, Tehsil and
District- Raipur (C.G.).

-----Respondent

For Petitioner : Mr. Ankur Agrawal, Advocate

For Respondent/State : Ms. Anuja Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/08/2020

1. This petition has been brought praying for issuance of direction of early disposal of the case registered as OMA No.27/2019, pending before the Second Additional Principal Judge, Family Court, Raipur, District – Raipur (C.G.).
2. It is submitted that the petitioner and the respondent both have jointly filed an application under Section 10 (a) of the Indian Divorce Act, 1869 praying for divorce on mutual consen. The application was filed on 13.11.2019. More than six months have passed but the final order could not be passed for the reason that

normal functioning of the Courts have been suspended. By the present petition, it is prayed that a direction be issued to the concerned Court to take up the case and conclude the proceeding within a time frame.

3. Counsel for the respondent makes submission in support of the submission made by the counsel for the petitioner.
4. Considered on the submissions. At present the normal functioning of the subordinate Courts have been suspended by the decision taken by the High Court, however, there is specific direction that the cases of most urgent nature can be heard and decided by the Courts concerned on conditions that any such application is filed and the urgency is considered and acknowledged by the Court concerned.
5. In the present petition, there is no mention why the case mentioned should be heard and decided on urgent basis, therefore, without there being any reasons mentioned for urgency in the petition, there appears to be no ground to issue any such direction to the Court concerned.
6. Counsel for the petitioner placed reliance on the order passed by the Coordinate Bench of this Court in M.Cr.C.No.3983 of 2020 in which the direction was passed to expedite the trial during the lockdown period. This order can not be considered as citation for the present case, therefore, there does not appear any need to pass order or to issue direction in this petition.

7. Accordingly, the petition is disposed off at motion stage. However, it is directed that the learned Family Court shall take up the case and disposed of the same expeditiously as early as possible preferably within a period of one month from the date when the normal functioning of the Courts are restored.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram