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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CM(M) 1791/2019

DIPAALI SHARMA

..... Petitioner

Through

Mr. Maninder Singh and Ms. Aekta
Vats, Advocates

versus

THE STANDING COUNSEL (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through

Mr. Sanjay Agnihotri, Adv. for R-2
with respondent no. 2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.01.2020

1. This petition has been filed praying *inter alia* the following relief:-

a) Pass Necessary Directions, in the case titled, "Ameet Sharrma vs. Dipaali Sharrma", HMA No. 455/14, pending before the Court of Ms. Madhu Jain, Ld. Principal Judge, Family Court (District- South-East), Saket, New Delhi, by directing Sh. Sanjay Garg-I, presently presiding in the Ld. Family Court, (District - New Delhi), to decide the Application of the Petitioner moved under Section 24 of the Hindu Marriage Act, 1955, as the matter as already been argued before Sh. Sanjay- Garg-I, twice, .i.e. before his transfer to another jurisdiction vide the Impugned Notification bearing No. F. 6/2/2015-Judl./Suptlaw/2344-2349, passed by the Principal Secretary of the Department of law, Justice & Legislative Affairs, on 27.11.2019."

2. It is the case of the petitioner that the learned Principal Judge, Family Court, had heard arguments on the application filed by the petitioner under Section 24 of the Hindu Marriage Act, 1955 fully and had in fact, given a

date for pronouncement of orders thereon. However, while the order was to be pronounced on 29.11.2019, the learned Principal Judge, was transferred as Principle Judge, New Delhi District, w.e.f. 27.11.2019.

3. It is prayed by the petitioner that the petition be transferred to the Court of the said learned Principal Judge, New Delhi so as to expedite the process of pronouncement of orders on the said application.

4. The learned counsel for the respondent no.2, however, submits that there have been certain developments post the hearing of the application by the said learned Principal Judge and these have been sought to be brought on record by way of an application in the proceedings.

5. As held by this Court in ***Kusum Sharma vs. Mahinder Kumar Sharma***, 217(2015) DLT 706, maintenance is not merely a legal right but is a part and parcel of basic human right. Relying upon the judgment of the Supreme Court in ***Bhuwan Mohan Singh vs. Meena & Ors.***, AIR 2014 SC 2875, it was held that delay in adjudication of maintenance cases by the Family Court is not only against human rights but also against the basic embodiment of dignity of an individual.

6. In view of the above, instead of granting the relief as prayed for by the petitioner in the present petition, I deem it proper to request the learned Trial Court to expedite the hearing and decision on the application under Section 24 of the Hindu Marriage Act, 1955 filed by the petitioner, keeping in view the fact that an early decision on said application is essential to ensure that the applicant is able to defend her case properly. It is expected that the said application shall be decided within a period of two months from today.

7. The petition is disposed of with the above directions, with no order as to costs.

Dasti.

JANUARY 23, 2020/sd

NAVIN CHAWLA, J