

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 719 of 2021**

Smt. Sunanda Pandey, aged about 23 years W/o Chandrashekhar Pandey, D/o Lalit Shukla at present R/o. Vaishanavi Vihar, Uslapur, District Bilaspur (C.G.)

---- **Petitioner**

Versus

1. Chandrashekhar Pandey, aged about 32 years S/o Shri Surendra Pandey,
 2. Surendra Pandey, aged about 64 years S/o Late Kashiprasad Pandey,
 3. Nandani Pandey, aged about 60 years W/o of Shri Surendra Pandey,
 4. Neha Pandey, aged about 29 years, D/o Surendra Pandey,
- all R/o Village Urga, Police Station Urga, District Korba (C.G.).

--**Respondents**

For Petitioner	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	None.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

17/12/2021

1. Considering the nature of case, notice against the respondents is dispensed with.
2. The instant writ petition under article 227 of the Constitution of India has been preferred seeking direction to the Court of JMFC Bilha, District Bilaspur (C.G.) for expeditious disposal of MJC No. 15/2018 (Smt. Sunanda Pandey v. Chandrashekhar Pandey and others) filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short 'the Act').

3. Brief facts of the case are that the petitioner has filed an application under the Act on 10/07/2018. The respondents appeared, filed their reply and the Court framed the issues. Thereafter, the case was fixed for applicant's witnesses. The applicant has already produced her examination in chief in writing but the respondents are continuously seeking time for cross-examination and are deliberately trying to delay the case. So, this petition has been filed seeking direction for expeditious disposal in time bound manner.
4. Counsel for the petitioner submits that the respondents are deliberately causing inadvertent delay in the proceeding of the trial Court just to harass the petitioner, therefore, he seeks direction to the Court of JMFC for expeditious disposal of the MJC No. 15/2018.
5. Considering the nature of submissions made by the petitioner in terms of Section 12 (5) of the Protection of Women from Domestic Violence Act, 2005, a duty has been cast upon the Magistrate that he shall endeavor to dispose of every application made under subsection (1) of the Act within a period of 60 days from the date of its first hearing. Section 483 of the Code of Criminal Procedure, 1973 also mandates that it is the duty of the High Court to exercise continuous superintendence over the Courts of Judicial Magistrate. Every High Court shall so exercise its superintendence over the Courts of Judicial Magistrate subordinate to it as to ensure that there is expeditious and proper disposal of cases by such Magistrate.

6. There might be so many factors responsible for delay in disposal of the case for instance Subordinate Courts are having heavy pendency as well as normal functioning of the Court was also disturbed for a long time due to Covid-19 pandemic. But looking to the intention of law which is apparent by the enactment of Section 12 (5) of the Act for expeditious disposal of the case, this Court finds proper to issue direction to the Court concerned to decide the case as early as possible, preferably within a period of 6 months from the date of production of certified copy of this order, in accordance with law.
7. Accordingly, the writ petition is allowed.

Sd/-
(Deepak Kumar Tiwari)
Judge