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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 348/2022**SUMIT ANEJA****..... Petitioner**

Through: Mr. Manohar Lal, Adv.

versus

GURSIMRAN KAUR**..... Respondent**Through: Ms. Preeti Singh, S. Porwal, Ms.
Saumya Dwivedi and Ms. Kumkum
Mandhanya, Adv.

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Date of Decision: 1st June, 2022**CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)****CM(M) 348/2022 & CM APPL. 25146/2022 (early hearing)**

1. The present writ petition has been filed challenging the order dated 14th March, 2022 whereby the learned Trial Court had adjourned the matter as an application was moved by the petitioner for pre-ponment of early hearing to fix the matter on 28th July, 2022.
2. It is pertinent to mention here that the petition involving the custody of child is pending before the Family Court Judge bearing G.P. No. 10/2022 titled as "Sumit Aneja Vs. Gursimran Kaur" which was



initially adjourned to 29th September, 2022. Aggrieved of the long adjournment, the petitioner invoked the jurisdiction of this Court in CM(M) No. 348 of 2022. This petition was disposed of vide order dated 13th April, 2022 with a request to learned Family Court Judge to take up the application for early hearing on 25th April, 2022. This Court made it clear that it would be for the learned Family Court Judge to decide as to whether the prayer for early hearing is justified or not and this Court did not express any opinion in the matter.

3. Pursuant to this, the application for early hearing was taken up on 29th April, 2022 and the learned Trial Court Judge passed the following orders;

*“GP No. 10/2022
Sumit Aneja Vs. Gursimran Kaur*

29-04-2022

File taken up today on an application of the petitioner for pre—ponment/early hearing.

PRESENT: Counsel for the applicant/petitioner.

Submissions heard.

Record has also been perused.

In the interest of justice, issue notice of the present application to the non-applicant/respondent on filing of complete copies, PF and RC, as well as through approved courier, for 28-07-2022.

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*Preeti Aggarwal, Judge,
Family Court, Rohini Courts (North-West), New Delhi”*



4. The petitioner has stated that since the matter involves custody of the child, it is incumbent upon the Court to take up the matter expeditiously.
5. Per contra, learned counsel for the respondent stated that there is no ground for early hearing. It has been submitted that the petitioner has not paid any maintenance to the child and it does not lie in his mouth to ask for the early hearing. Learned counsel for the respondent has vehemently opposed the case for early hearing.
6. I have considered the submissions. At the outset, this Court does not wish to interfere in the listing of cases by the Trial Court Judge. It is for the learned Trial Court Judge to fix the matters as per the pendency of the Court. This Court in absence of any statistical data, cannot make any remark as to the dates/ adjournments being given by the learned Trial Court. However, it is expected that learned Trial Court Judge would not adjourn the cases mechanically and will keep in mind the basic principle of speedy dispensation of justice.
7. The perusal of the order dated 13th April, 2022 of this Court in CM (M) 348 of 2022 indicates that initially the date was given of 29th September, 2022, by the learned Judge, family Court and this Court with an object of maintaining the dignity of learned Judge, family Court made a request to list the application on 25th April, 2022 and to decide the plea of giving early hearing. However, it seems, the learned Judge mechanically, issued the notice of the application to the respondent for 28th July, 2022. The purpose behind fixing the date by this Court for taking up the application for early hearing was to have a



finding on the request. Issuance of three months notice on application for early hearing is certainly not in sync with the orders of this Court.

8. Let the matter be listed before the learned Judge, Family Court, Rohini Courts (North-West), New Delhi on 2nd June, 2022. The learned Judge, Family Court, Rohini Courts (North-West), New Delhi is directed to take up the application for early hearing and decide the same on 2nd June, 2022.
9. Copy of this order be sent *dasti* as well as electronic mode to learned Judge, Family Court, Rohini Courts (North-West), New Delhi for compliance. Report of compliance be also called for.
10. Both the learned counsel for the parties are directed to appear before the learned Judge, Family Court, Rohini Courts (North-West), New Delhi on 2nd June, 2022 at 10.30 am.
11. In view of these observations, the petition stands disposed of.
12. Copy of this order given *dasti* to the counsel for the parties under the signature of Court Master.

DINESH KUMAR SHARMA, J

JUNE 1, 2022

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