

CR No.3774 of 2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120)

CR No.3774 of 2023
Date of Decision:18.07.2023.

Mehak Kochhar

.....Petitioner

Versus

Akhil Kochhar

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition filed under Article 227 of the Constitution of India is for the issuance of directions to the Additional Principal Judge (Family Court), Ludhiana to expedite and dispose of the application filed by the present petitioner under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to 'the 1955 Act').

2. The respondent-husband Akhil Kochhar filed a petition under Section 13 of the 1955 Act. An application under Section 24 of the 1955 Act was filed by the present petitioner for the grant of maintenance *pendente lite* as far back as on 21.05.2019. It is the case of the petitioner that despite four years having gone by, the application has not been decided and even interim maintenance has not been fixed. Learned counsel has referred to the interlocutory orders (Annexure P-5) and has submitted that the trial Court has been adjourning the case without sufficient reasons.

3. I have considered the submissions made by learned counsel for the petitioner and have also gone through the interlocutory orders passed by the Family Court, Ludhiana which are on record as Annexure P-5. It emerges that for a number

of dates, the matter was being adjourned for filing of reply to the application under Section 24 filed by the present petitioner which was to be filed by the respondent-husband. Thereafter, the respondent-husband filed an application for dismissal of the application under Section 24 which also remained pending for a long time. No doubt, the Courts are heavily burdened. However, at the same time it has to be ensured by the Courts that no litigant abuses or misuses the process of law.

4. In the considered opinion of this Court, the Family Court should have been more vigilant and should not have permitted the respondent-husband to abuse and misuse the process in law in the manner in which he has been successful in doing so.

Be that as it may, the present petition is disposed of with a direction to the Family Court, Ludhiana to decide the petition filed by the present petitioner-Mehak Kochhar under Section 24 of the Hindu Marriage Act within a period of six weeks from today. The Family Court would be at liberty to fix interim maintenance in the meanwhile. The final decision on the application, as directed, should be taken within a period of six weeks from today.

July 18th, 2023

Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*