

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No. 6845 of 2023(O&M)

Date of Decision: 15.11.2023

Vinay Mahajan

...Petitioner

Versus

Rishita @ Rishu Mahajan

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Aayush Gupta, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking directions to the Court of learned Additional Principal Family Judge, Family Court, Ludhiana to decide HMA-385/2022 titled as Vinay Mahajan Vs. Rishita @ Rishu Mahajan in a time bound manner.

2. The counsel for the petitioner in support of the present petition has, *inter alia*, contended that in the aforesaid divorce petition filed by the petitioner, the learned trial Court has failed to dispose of the miscellaneous applications filed under Order 7 Rule 11 CPC and under Section 24 of Hindu Marriage Act filed by the respondent despite the fact that most of the evidence on part of the petitioner has already been recorded. The counsel for the petitioner further submits that the respondent is interested in delaying the divorce proceedings and thus filed the aforesaid miscellaneous applications. It is further submitted that the learned trial Court has rightly granted interim maintenance to the tune of Rs.10,000/- per month to the respondent without disposing of the application filed under Section 24 of Hindu Marriage Act.

The counsel for the petitioner has further contended that the learned trial

Court is granting unnecessary adjournments on the request of the other party and thus causing inconvenience to the petitioner. So, prayer is made that certain directions be given to the learned trial Court to decide the main divorce petition in a given time schedule or otherwise direct the trial Court to dispose of the said divorce petition at the earliest without granting unnecessary adjournments at the instance of the respondent.

3. I have considered the submissions made by counsel for the petitioner.

4. Recently the Hon'ble Apex Court in **Shaikh Uzma Feroz Hussain Vs. State of Maharashtra**, Writ Petition (Crl.) No. 587 of 2023, decided on 10.11.2023 has observed that the Constitutional Courts should avoid temptation of fixing a time bound schedule for disposal of any case before any Court unless the situation is extra ordinary.

5. In the instant case, the counsel for the petitioner has failed to establish that the case at hand is an exceptional case. So, no ground is made out to issue any such direction to make its disposal a time bound. However, taking into consideration the facts and circumstances of the case, the learned trial Court is directed to firstly dispose of the applications filed under Section 24 HMA and under Order 7 Rule 11 CPC on priority basis and thereafter to record the evidence of both the parties without granting unnecessary adjournments and should make sincere efforts to dispose of the divorce petition in an expeditious manner.

6. The revision petition stands disposed of in aforesaid terms.

(KARAMJIT SINGH)
JUDGE

15.11.2023
Jiten

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