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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 16.03.2023

+ CM(M) 163/2023

REKHA BHARDWAJ

..... Petitioner

Through: Mr.Gaurav Singh, Adv.

versus

YOGESH BHARDWAJ

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The present petition preferred by the wife, who is also the petitioner in HMA No.1337/2021 pending before the Court of the learned Principal Judge, Family Court (North District) Rohini Courts, New Delhi seeks a direction to the learned Family Court to expeditiously dispose of the aforesaid petition preferred under Section 13 of the Hindu Marriage Act, 1955 wherein she has sought dissolution of her marriage with the respondent.

2. A perusal of the order sheets annexed with the petition shows that the parties had been jointly seeking adjournments before the learned Family Court on the ground of the possibility of an amicable settlement between them. It is only on 07.01.2023 that the petitioner for the first time prayed that the matter be considered on merits and therefore, the learned Family Court, while adjourning the matter to 13.04.2023, granted one weeks' time to the respondent to file his written statement.

3. Learned counsel for the petitioner, while not denying that both the parties were seeking adjournments before the learned Family Court till 07.01.2023, seeks to contend that the same was only on account of the parties attempting to amicably settle the matter. He submits that a settlement had in fact been arrived at between the parties but the same could not materialise only on account of the non-cooperation of the respondent. He submits that even otherwise, the parties have now been living separately for the last more than 7 years and therefore prays that learned Family Court be directed to decide the petition on a day to day basis so that the same can be disposed of within a period of six months. In support of his plea, he seeks to place reliance on the decisions of the Rajasthan High Court in *Renu Shekhawat vs. Vinod Singh*, 2019 SCC Online Raj 2976, *Girdhari Lal vs. Anita*, 2011 SCC Online Raj 1495, *Hari Shankar Yadav vs. Kiran*, 2015 SCC Online Raj 1105, *Lokesh Kumar vs. Vandana Bairwa* 2019 SCC Online Raj 1969, *Vipul Khandelwal vs. Nitin Khandelwal*, 2018 SCC Online Raj 2322, of the Uttarakhand High Court in *Sandeep Kumar Pathak vs. Bunty* 2021 SCC Online Utt. 1088, *Prateek Thapliyal vs. Principal Judge*, 2013 SCC Online Utt. 1866, *Vinod Kumar vs. Nisha* 2016 SCC Online Utt. 635 and of the Calcutta High Court in *Mehul Mohanka vs. Nameeta Redhu Mohanka*, 2019 SCC Online Cal 1583, *Joyeb Chandra Dutta vs. Kaberi Dutta*, 2011 SCC Online Cal 1583, *Sikha Gorai vs. Subodh Chandra Gorai* 2003 SCC Online 246.

4. Having considered the submissions of learned counsel for the petitioner and perused the record, I am of the view that no such directions, as sought by the petitioner are warranted in the present case. The orders passed by the learned Family Court clearly show that the proceedings

pending before it were repeatedly being adjourned at the request of the petitioner herself. The petition, having been filed in August 2021 remained pending since then only on account of the joint request of the parties that they were endeavouring to explore the possibility of an amicable settlement. It was only on 07.01.2023 that the petitioner, for the first time, requested the learned Family Court that the petition be decided on merits. In these circumstances, once the proceedings, have been kept pending for more than one and a half years only at the joint request of the parties to explore the possibility of an amicable settlement, no case is made out for issuing any directions to the learned Family Court at this stage especially when the matter is now fixed on 13.04.2023 for completion of pleadings and framing of issues.

5. I have also considered the decisions of the Rajasthan High Court in *Renu Shekhawat (supra)*, *Girdhari Lal (supra)*, *Hari Shankar Yadav (supra)* and *Vipul Khandelwal (supra)*, of the Calcutta High Court in *Mehul Mohanka (supra)*, *Joyeb Chandra Dutta (supra)*, *Sikha Gorai (supra)* and of the Uttarakhand High Court in *Sandeep Kumar Pathak (supra)*, *Prateek Thapliyal (supra)* and *Vinod Kumar (supra)* relied upon by the petitioner but find that the same are not applicable to the facts of the present case. It is an admitted position that in the present case, it is only in January 2023 when the petitioner for the first time indicated to the learned Family Court that she wanted the petition to proceed on merits. The petitioner can, therefore not be heard to complain that the hearing of her petition is being unduly delayed or that directions be issued to the learned Family Court to take up her matter on a day to day basis.

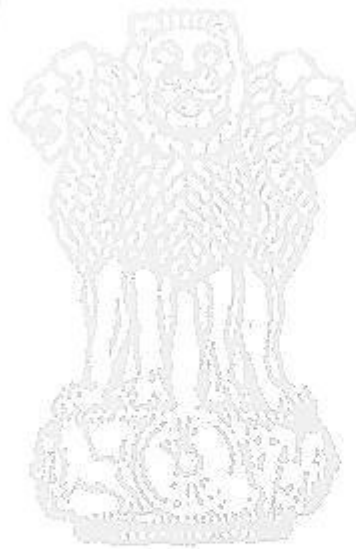
6. For the aforesaid reasons, I find no merit in the petition which is,

accordingly, dismissed.

(REKHA PALLI)
JUDGE

MARCH 16, 2023

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