

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.687 of 2024

Deepak Kumar Son of Sri Surya Prasad Permanent Address- Surya Bhawan,
Baramasiya, Mirchai Bari, P.S- Katihar, District- Katihar, Present Address-
Quarter No.113/1, Type- IV, New Colony, G.C.F Estate, Jabalpur-482011
(M.P)

... .. Petitioner/s

Versus

1. Saraswati Kumari @ Suman Kumari W/O Deepak Kumar, D/O- Dinesh Prasad Gupta Resident of- Kali Tola, Ward No. 3 Araria R.S., P. S- Araria, District- Araria.
2. Dinesh Prasad Gupta Son of Harakh Ram Gupta, Father of the respondent no. 1 and her legal guardian. Resident of- Kali Tola, Ward No. 3 Araria R.S., P. S- Araria, District- Araria.
3. Smt. Anita Gupta Wife of Dinesh Prasad Gupta, mother of respondent no. 1. Resident of- Kali Tola, Ward No. 3 Araria R.S., P. S- Araria, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2024 The matter has been listed on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that the
petitioner has filed the present petition seeking direction to
learned Principal Judge, Family Court, Araria to dispose of
Matrimonial Case No. 218 of 2022 which was received on
transfer being Matrimonial Case No. 142 of 2017 filed under
Section 12 of the Hindu Marriage Act, 1955 before the court of
learned Principal Judge, Family Court, Katihar. Learned counsel



further submits that after completion of evidence of the petitioner, though four witnesses have been examined on behalf of respondent no. 1 but respondent no. 1 is not coming forward to get herself examined and has been delaying the disposal of the matrimonial case deliberately as the petitioner has been making payment of Rs. 10,000/- per month to the account of respondent no. 1. Learned counsel further submits that respondent no. 1 has even forcibly evicted the petitioner from his official accommodation in Jabalpur. Learned counsel referred to a decision of Kerala High Court in the case of *Sri. N Rajeev Vs. Smt. C. Deepa* passed in *W.P. No. 14769 of 2023*, wherein the learned Single Judge the Family Court was directed to dispose of the matrimonial suit within three months and directives were also issued to all the concerned for expeditious disposal of the matrimonial cases.

4. Since the petitioner has come before this Court with limited prayer for expeditious disposal of the matrimonial case which is actually pending since 2017, I do not think there is any need to issue notice to the respondents.

5. Having regard to the facts and circumstances, learned Principal Judge, Family Court, Araria is directed to dispose of Matrimonial Case No. 218 of 2022 preferably within



a period of three months from the date of receipt/production of a copy of this order.

6. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

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