

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

206

CWP-22215-2021 (O&M).
Date of Decision: 16.02.2024.

ABHISHEK SETH

... Petitioner(s)

Versus

FAMILY COURT MOHALI AND ANOTHER

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mukul Goel, Advocate,
for the petitioner.

Ms. Mehak Sawhney, Advocate, (Legal-aid-counsel)
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present writ petition is for seeking issuance of directions to respondent No.1 to expedite the hearing in the petition under Section 13 (I) (IA) (IB) of the Hindu Marriage Act, 1955, registered as HMA Case No.64 of 2021 dated 25.01.2021, pending in the Court of Principal Judge, Family Court, Mohali, for dissolution of marriage by passing a decree of divorce on the ground of desertion and cruelty allegedly inflicted by respondent No.2.

Learned counsel appearing for the petitioner contends that the above said petition for dissolution of marriage had been filed at the behest of the petitioner for seeking a decree of divorce on the ground of desertion and cruelty, however, the same has not been finalized despite a period of nearly 03 years having been elapsed since then.

On a pointed query, it has been acknowledged by the learned counsel for the petitioner that earlier the proceedings were pending for exploring the possibility of an amicable resolution of the dispute amongst the parties and mediation proceedings were being undertaken, however, the proceedings thereafter have remained pending on account of non-deposit of the interim maintenance as assessed by the Court. He contends that some part of the interim maintenance is still pending to be disbursed in favour of respondent No.2.

An undertaking, on instructions from the petitioner, has been given today in the Court by the counsel for the petitioner that he shall clear all the pending arrears of interim maintenance payable to respondent No.2 on or before the next date of hearing before the Family Court, Mohali and the petitioner shall continue to pay the maintenance as assessed by the Court without any default. He also submits that there shall be no delay/non-appearance or request made on behalf of counsel for the petitioner.

The legal-aid-counsel contends that the respondent No.2 would have no objection to the expeditious disposal of the pending divorce petition and that the delay is attributable solely to the acts and omissions and misconduct of the petitioner.

Be that as it may, without commenting on the merits of the present case and taking cognizance of the undertaking of the petitioner to clear all the pending interim maintenance dues and also to continuously defray the maintenance as it becomes payable to the respondent No.2 and that he shall ensure appearance on all dates of hearing and shall not occasion any delay on his part, the Principal Judge, Family Court, Mohali, is directed to take an expeditious decision in pending divorce petition i.e. HMA Case No.64 of 2021 dated 25.01.2021.

The petition stands disposed of accordingly.

February 16, 2024
raj arora

(VINOD S. BHARDWAJ
JUDGE

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