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

+ **CM(M) 241/2024**

MANJUL SRIVASTAVA

..... Petitioner

Through: Mr. Govind Singh, Adv.

versus

SREYA SARKAR

..... Respondent

Through: Mr. Nikhil Souker and Mr. Om Ram,
Adv.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

16.02.2024

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1. The present petition has been filed seeking direction with respect to an undue delay in pronouncement of orders in Civil Suit DJ. NO. 30/2022 (anti suit injunction) and Civ Suit DJ NO. 81/2023 (suit for permanent and mandatory injunction) pending before the Principal Judge, Family Court, West, Tis Hazari Courts, Delhi (in short 'Trial Court').

2. Learned counsel appearing on behalf of the petitioner submits that both the suits are pending before the learned Trial Court for more than 8 months and orders are not being pronounced. It is submitted that the suit bearing no. 81/2023 is pending for adjudging the maintainability of the suit since 05.09.2023. The learned counsel submitted that oral arguments have been addressed before the learned Trial Court and written submissions have been filed as well, yet the orders are not being passed therefore causing an undue delay in the case. It is further submitted that in another case bearing



no. 30/2022, five applications are pending disposal since 09.05.2023, out of which two applications have been moved by the petitioner herein, one under Order XXXIX Rule 1 & 2 CPC and another under Order XI Rule 14 CPC. On the other hand, the respondent has filed three applications under Order VIII Rule 1 CPC, Order VII Rule 10 CPC and Order VII Rule 11 CPC.

3. The learned Trial Court by not disposing of the application is defeating the purpose of the Family Courts Act which requires speedy disposal of the petitions with respect to the matrimonial disputes of the parties. It is submitted that in these circumstances, necessary directions be issued to the learned Trial Court to dispose of the applications in Civil Suit DJ. NO. 30/2022 and to decide the issue of maintainability of the Civ Suit DJ NO. 81/2023 within a reasonably stipulated period of time as passed by this Court.

4. Learned counsel has also brought to the notice of the Court the various orders passed by the learned Trial Court during the proceedings by submitting that he had inspected the court record and thereafter prepared a report with respect to the orders as the application for obtaining the certified copies would have again delayed disposal of the present petition.

5. Time and again guidelines have been issued for Family Courts for early disposal of the petitions filed before it. In **Smt.Sumi Mol vs. Sh. Suresh Kumar E. K. in MAT APP. (F.C.) 127/2023** decided on 31.07.2023, the guidelines mentioning the timeframe within which the petitions are to be disposed of, has also been mentioned. It is submitted that the matter is now listed before the learned Trial Court on 06.03.2024. The learned Judge, Family Court is directed to take up the applications in DJ. NO. 30/2022 on the date of hearing which is already fixed before it on



06.03.2024, and to dispose of the applications preferably within three months. Further to take up the issue regarding maintainability of DJ NO. 81/2023 on the same date i.e. 06.03.2024, and in case any clarifications are required, after taking the clarifications, the issue of maintainability be decided preferably within two weeks thereafter.

6. With these directions the petition stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 16, 2024
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