



\$~66

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

+ **CM(M) 1936/2024**

MR MICHAEL CHAKRABORTY

..... Petitioner

Through: Ms. Advocate. (appearance not given)

versus

SHYAMASHRI CHAKRABORTY

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **21.02.2024**

CM APPL. 10616/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 1936/2024

3. The present petition under Article 227 of the Constitution of India, 1980 has been filed impugning the order dated 04.01.2024 passed by learned Principal Judge, Family Court, Tis Hazari Courts(Central) (hereinafter referred as "PJFC") in HMA case no. 140/2019 titled as "*Mr Michael Chakraborty vs. Shyamashri Chakraborty*" whereby hearing of ex-parte final arguments in the divorce petition before the learned PJFC is deferred for 04.04.2024. Therefore, petitioner seeks expeditious disposal of his divorce petition.

4. It is submitted that on 15.01.2019 the petitioner had filed petition for dissolution of marriage under Section 13(1)(a) and Section 13(1)(ii) of the



Hindu Marriage Act, 1955. On 27.09.2019, petitioner filed copy of plaint and supplied the same to the respondent. Repeated opportunities were given to the respondent to file the written statements on several occasions. Finally, learned Trial Court gave the last opportunity to the respondent to file written statement subject to cost of Rs. 5,000/- failing which vide order dated 26.02.2022 learned Trial Court ordered the said petition to be proceeded ex-parte against the respondent.

5. It is submitted on behalf of the petitioner that the matter was listed for the first time for hearing final arguments on 05.08.2022, after the petitioner was examined and discharged and petitioner's evidence was closed on 04.05.2022. The learned counsel for the petitioner had submitted that on 05.08.2022 itself the application for amendment of plaint under Order VI Rule 17 of CPC was dismissed as the same was not pressed. The ex-parte final arguments were heard and the matter was listed for orders on 25.08.2022. Thereafter, certain clarifications on point of jurisdiction were sought and the petitioner was also directed to file an affidavit disclosing his citizenship and domicile status, same has been complied on 05.10.2023. Since then, the matter has been lingering either for consideration or for pronouncement of judgment.

6. It is submitted that the ex-parte arguments were last heard on 04.01.2024 however, again the matter is listed for arguments on 04.04.2024.

7. It is submitted that the petitioner is a senior citizen and the said delay in the trial is causing mental harassment to him. Therefore, the learned counsel for petitioner seeks directions to the learned PJFC to expeditiously dispose of the petition for dissolution of marriage pending before it.

8. 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.

9. The learned PJFC is directed to expeditiously dispose of the petition and to seek any clarification, if required, on the next date of hearing i.e. 04.04.2024 and finally dispose of the same.

10. With above directions, the present petition stands disposed of.

SHALINDER KAUR, J.

FEBRUARY 21, 2024/SDS/DP