
(2014) 05 AHC CK 0358

In the Allahabad High Court

Case No : Matters Under Article 227 No. -1505 of 2014

Mohit

APPELLANT

Vs

Smt. Lalitesh @ Nootan

RESPONDENT

Date of Decision : 22-05-2014

Acts Referred:

Constitution of India, 1950 — Article 227
Hindu Marriage Act, 1955 — Section 13

Citation : (2014) 05 AHC CK 0358

Hon'ble Judges : Suneet Kumar, J

Bench : Single Bench

Advocate : Pankaj Dwivedi, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Suneet Kumar, J.—Heard learned counsel for the plaintiff/petitioner.

2. The plaintiff/petitioner has approached this Court to expedite Divorce Petition No. 86 of 2013 (Mohit vs. Smt. Lalitesh @ Nootan) u/s 13 of the Hindu Marriage Act, District Agra pending in the Court of Principal Judge, Family Court, Agra.

3. The Hon''ble Supreme Court in Shiv Cotex Vs. Tirgun Auto Plast P. Ltd. and Others, , has made the following observations:-

..... It is high time that courts become sensitive to delays in justice delivery system and realize that adjournments do dent the efficacy of judicial process and if this menace is not controlled adequately, the litigant public may lose faith in the system sooner than later. The Courts, particularly Trial Courts, must ensure that on every date of hearing, effective progress takes place in the suit.

4. In view of the decision in the case of Km. Shobha Bose Vs. Judge Small Causes Court 2010 (1) ADJ 531 (DB), it is not proper to issue any positive direction for time bound disposal of any proceedings without ascertaining the

position of the workload in the court concern and in the absence of any allegation that the court below is responsible for the delay.

5. No ground has been made out by the learned counsel for the petitioner to invoke the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

6. The writ petition is dismissed.

7. However, dismissal of this writ petition shall not preclude the plaintiff/petitioner in filing appropriate urgency application before the concerned court which shall consider the said application and pass appropriate orders within a period of three months from the date of receipt of certified copy of this order.