

Anirban Gupta Vs Smt. Nabonita Gupta

Court: Jharkhand High Court

Date of Decision: Jan. 28, 2025

Acts Referred: Code of Civil Procedure, 1908 " Order 8 Rule 1
Hindu Marriage Act, 1955 " Section 13(1)(ia), 24

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Anurag Kashyap, Ajay Kumar Sah

Final Decision: Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel for the petitioner as well as the sole opposite party.

2. The prayer in this petition has been made under Article 227 of the Constitution of India praying therein to direct the Principal Judge, Family Court,

East Singhbhum at Jamshedpur to decide the Original Suit No.880 of 2022 instituted by the petitioner under section 13(1)(ia) of Hindu Marriage Act,

1955 which is still pending.

3. Learned counsel for the petitioner submits that the suit is still pending and in view of that proper direction may kindly be issued to decide the suit at

the earliest.

4. Learned counsel for the sole opposite party submits that section 24 petition is also pending.

5. From the averments made in the petition it is not clear as to how the learned court is at fault in not disposing of the said original suit at the earliest

and it is for the parties to diligently pursue the said suit for early decision. In the Constitutional Bench judgment of Hon'ble Supreme Court in the

case of High Court Bar Association, Allahabad v. State of Uttar Pradesh and Other,s reported in (2024) 6 SCC 267 in paragraph no.47.3 has

held that the Constitutional Courts may in the ordinary course should refrain from fixing a time bound schedule for the disposal of the cases which is

pending before any other Courts. It is for the concerned courts to prioritize the disposal of the case and only in exceptional cases the High Court can

pass the order of early disposal.

6. In view of the above, no positive order can be passed for early disposal of the said suit and it is for the parties to take endeavour for early disposal

of the suit.

7. This petition is disposed of with liberty to the petitioner to pursue the said suit for its early disposal.

8. This petition is accordingly disposed of.