IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 9th OF MAY, 2023

WRIT PETITION No. 8821 of 2023

BETWEEN:-

MS APARNA TOMAR W/O ABHISHEK SHARMA D/O LOKENDRA SINGH, AGED-30 YEARS, OCCUPATION:- UNEMPLOYED, R/O 55 INDRAMANI NAGAR BEHIND MITS COLLEGE GWALIOR (MADHYA PRADESH)

.....PETITIONER

(BY SHRI DHARMENDRA DWIVEDI- ADVOCATE)

AND

ABHISHEK SHARMA S/O SHRI SURESH CHANDRA SHARMA, AGED-41 YEARS, OCCUPATION:- BUSINESS, R/O INDRAMANI NAGAR GWALIOR PRESENTLY 239 NEW COLONY NO 2 BIRLA NAGAR, GWALIOR (MADHYA PRADESH)

.....RESPONDENTS

(NONE FOR THE RESPONDENT)

This petition coming on for admission this day, the court passed the following:

ORDER

The present petition under Article 226 of the Constitution of India has been preferred against the in action on the part of the Family Court in not hearing the petition for divorce pending between the parties before it, though the proceedings are pending since March, 2022, but till date neither issues have been framed nor the parties have led there and on one pretext or the other adjournments are being sought and granted to the respondent/husband.

Learned counsel for the petitioner submits that though more than one

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year has passed after filing of the petition for divorce by the present petitioner, the matter is not being proceeded and unnecessary adjournments are being granted to the respondent. The counsel for the petitioner further submits that in the divorce petition ground for divorce taken by the petitioner is that Marriage between the parties was a void marriage, since the respondent/husband was suffering from leucoderma and hiding this fact he got married to her and since by playing fraud the marriage was solemnized, the petitioner wants to get it declared void. A limited prayer has been made by the counsel for the petitioner that since the matter is pending for long, directions may be issued to the Family Court to conduct the trial as expeditiously as possible within a time bound frame and decide the same as early as possible and if such directions are issued, the grievance of the petitioner would be redressed.

Heard the counsel for the petitioner.

The facts of the petition reveals that the present petitioner has filed the petition for divorce in the month of March, 2022 and is seeking divorce on the ground that the Marriage solemnized between the parties was a void marriage. From the proceedings which has been appended to the petition, it is observed that the matter is being proceeded in a very slow pace and though this Court is seized with the fact that there is huge pendency before the Family Court, but looking to the nature of the case this Court deems it fit to direct the Family Court concern to decide the matter as expeditiously as possible preferably within a period of one year from the date of receipt of certified copy of this order with a further direction that no unnecessary adjournments shall be granted to any of the parties.

With the aforesaid directions, the petitions stands **disposed of**.

E-copy/certified copy as per rules/directions.

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(MILIND RAMESH PHADKE)
JUDGE

Chandni

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