

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.2465/2023 in W.P.(Cr1.) No.431/2021

SAROJ AGGARWAL

Petitioner(s)

VERSUS

FAMILY COURT PATNA SADAR THROUGH PRINCIPAL
JUDGE & ORS.

Respondent(s)

(FOR ADMISSION and IA No.233943/2023-EXEMPTION FROM FILING O.T. and
IA No.233942/2023-APPROPRIATE ORDERS/DIRECTIONS)

Date : 01-12-2023 This MA was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Konark Tyagi, AOR
Mr. Jayesh Pandey, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel appearing on behalf of the applicant/petitioner and carefully perused the averments made in the application.
2. This Court while disposing of W.P.(Cr1.) No.431/2021 on 15.11.2021, directed the Family Court, Patna, Bihar to hear the Maintenance Case No.268 of 2018, filed by the petitioner under Section 125 of the Code of Criminal Procedure, 1973, "after giving an opportunity of hearing to the husband", and dispose of the same expeditiously and in accordance with law.
3. The petitioner has been forced to approach this Court again by way of present application as, according to her, the above-mentioned Maintenance Case has not been decided by the Family Court, Patna, Bihar and is being adjourned time and again.
4. It appears from the averments made in the application that respondent No.2/husband was duly served but he did not enter appearance before the Family Court. The petitioner led her *ex-parte*

evidence and, thereafter, the arguments were heard on 21.10.2022. The case was again posted for arguments on 05.12.2022 and, thereafter, repeatedly adjourned on five occasions. The petitioner was asked to submit written submissions on 29.05.2023 but again the matter has been adjourned to 14.12.2023 for filing of written submissions.

5. The Registry is directed to seek comments and a Status Report from the Principal Judge, Family Court, Patna Sadar, Bihar. The needful shall be done within two weeks.

6. Meanwhile, the Presiding Officer-cum-Principal Judge, Family Court, Patna Sadar, Bihar is directed to decide the above-mentioned Maintenance Case and forward a copy of the judgment to this Court.

7. Post the matter for further consideration on 08.01.2024.

8. The Registry shall send a copy of this Order also to the Presiding Officer-cum-Principal Judge, Family Court, Patna Sadar, Bihar.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)