



**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE G. S. AHLUWALIA**

**ON THE 20<sup>th</sup> OF SEPTEMBER, 2024**

**MISC. PETITION No. 5048 of 2024**

***AMIT KUMAR PANDEY***

*Versus*

***LAXMI DWIVEDI***

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**Appearance:**

***Ms. Shaifali Saraf – Advocate for petitioner.***

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**ORDER**

This petition under Article 227 of the Constitution of India has been filed seeking the following reliefs:-

- (i) To kindly direct the learned Court below to conclude trial of the Petition No.RCS HM 47 of 2023, within six months in terms of Section 21B of the Hindu Marriage Act; and
  - (ii) To kindly award the expenses of this litigation,
2. It is submitted by counsel for the petitioner that petitioner has filed a petition under Section 13 of Hindu Marriage Act (in short “the Act”) on 27/4/2023. More than one and half years have passed, but there is no substantial progress in the trial. Therefore, prayed for a direction to the Trial Court to decide the petition at the earliest.
  3. Considered the submissions made by counsel for petitioner.
  4. The petitioner has filed a copy of the order-sheets of the Trial Court, from which it is clear that on 7/8/2023 an application under Section 24 of



the Act was filed by the respondent alongwith her written statement. Since written statement and application under Section 24 of the Act were in English language, therefore, counsel for petitioner prayed for supply of Hindi translation of said documents. Thereafter, the case was adjourned on 8/9/2023 for supply of Hindi translation as well as reconciliation proceedings. Ultimately on 6/11/2023 respondents filed Hindi translation of written statement as well as application under Section 24 of the Act. Thereafter, on 15/12/2023, 18/1/2024, 19/2/2024, 12/3/2024, 8/4/2024 and 21/5/2024, petitioner sought time to file reply to the application filed under Section 24 of the Act. It appears that reply was filed on 9/7/2024 and case was fixed for recording of evidence as well as for consideration of application filed under Section 24 of the Act on 10/8/2024. It is not known as to what transpired on 10/8/2024. From the order-sheets it is clear that it is the petitioner who himself is responsible for delay in the proceedings.

5. Furthermore, in the light of the judgment passed by the Supreme Court in the case of **High Court Bar Association, Allahabad Vs. State of UP and others** decided on **29/2/2024** in **Criminal Appeal No.3589/2023**, the Constitutional Courts cannot direct the District Courts to expedite the hearing at the cost of other pending cases. Merely because petitioner has approached the High Court does not mean that he should get preference over those litigants, who could not approach the High Court.

6. Under these circumstances, no case is made out warranting interference. Accordingly, the petition fails and is hereby **dismissed**.

(G.S. AHLUWALIA)  
JUDGE

Arun\*