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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 473 of 2026

1 - Narendra Shriwas Son Of Shri Samai Lal Shriwas Aged About 34 Years Resident Of B-113, Sector-71, Noida, Goutam Buddh Nagar (U.P.)

... Petitioner(s)

versus

1 - Smt. Jaishri Shriwas Wife Of Shri Narendra Shriwas Aged About 33 Years Resident Of Pt. Ravishankar Shukla Nagar, Korba, Tahsil And District Korba (C.G.)

... Respondent(s)

For Petitioner(s)	:	Shri Ishwar Jaiswal, Advocate
For Respondent(s)	:	None present

(Hon'ble Shri Justice Ravindra Kumar Agrawal)

Order on Board

23/04/2026

Heard.

2. The present writ petition has been preferred by the petitioner seeking for a limited relief stating a direction to the learned Family Court, Korba to decide the MJC No. 05/2024 expeditiously within a stipulated time frame.



3. It is submitted on behalf of the petitioner that the parties have amicably resolved their dispute and all other proceedings *inter se* have been withdrawn by the parties from the concerned courts. It is further submitted that they have filed an application under Section 13(B) of the Hindu Marriage Act, 1955, however, due to certain miscommunication, they could not appear in the proceedings and the said application came to be dismissed for want of prosecution on 07.10.2024.

4. Subsequently, the respondent has filed an application under Order IX Rule 4 of the CPC seeking restoration of the said application under Section 13 (B) of the Hindu Marriage Act, 1955. However, for one or the other reason, the matter has been adjourned on several occasions and the said restoration application is still pending consideration before the learned Family Court and therefore the learned trial court may be directed to decide the application expeditiously.

5. I have heard learned counsel for the petitioner and perused the material annexed with the petition.

6. From perusal of the order sheets of the learned Family Court, it transpires that the application under Section 13 (B) of the Hindu Marriage Act, 1955 was dismissed for want of prosecution on 07.10.2024 and thereafter, an application for restoration was filed on 02.12.2024 which is presently pending adjudication.

7. It further appears that the parties have contributed to the delay in disposal of the matter as they have not been regularly appearing before the learned trial Court. However, having regard to the nature of the



controversy and in the interest of justice, it would be appropriate to direct expeditious disposal of the pending application.

8. Accordingly, the learned Family Court Korba to consider and decide the application filed by the respondent under Order IX Rule 4 of the CPC for restoration of the Civil Case No. 167-A/2023 (arising out of the proceedings under Section 13(B) of the Hindu Marriage Act, 1955) as expeditiously as possible.

9. It is further directed that MJC No. 05/2024 shall be decided within a period of four months from the next date fixed before the learned Family Court, after affording opportunity of hearing to the parties, in accordance with law.

10. With the aforesaid observations and directions, the present petition stands disposed of.

Sd/-
(Ravindra Kumar Agrawal)
Judge