

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4154 of 2025**

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PATEL VISHVA ILESHKUMAR

Versus

DHAVAL CHANDRAKANTBHAI PATEL

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Appearance:

MR.D K.PUJ(3836) for the Petitioner

A R KADRI(7330) for the Respondent

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CORAM: **HONOURABLE MS. JUSTICE NISHA M. THAKORE**

Date : 07/05/2025

ORAL ORDER

1. Heard Mr. K. R. Tailor, learned advocate appearing on behalf of Mr. D. K.Puj, learned advocate for the petitioner. Mr. A. R. Kadri, learned advocate has appeared on behalf of the respondent.

2. Considering the limited prayer sought for in the present petition, the matter is taken-up for final hearing at the admission stage.

3. It is submitted by the learned advocate for the petitioner that the original proceedings seeking divorce from the respondent have been filed by the petitioner under Section 21(B) of the Hindu Marriage Act, 1956 on 5th July, 2023, which was registered as Family Suit no.1686 of 2023. The summons were issued by the learned Judge, Family Court upon the respondent, which was duly served by RPAD on 13th December, 2023. It is further submitted that despite the

service of the summons, the respondent had failed to appear and in absence of the respondent, the hearing of the proceedings were postponed. Under such circumstances, the petitioner was constrained to move an application at Exh.14 on 7th March, 2024 with a prayer to close the right of the respondent to file affidavit-in-reply. The learned Judge, upon hearing the learned advocate for the petitioner and considering the averments made in the application vide order dated 16th April, 2024 was pleased to allow such application by closing the right of the respondent to file an affidavit-in-reply. The matter was thereafter, notified for framing of issues on 18th June, 2024. However, in absence of the respondent, the matter was adjourned from time to time only at the stage of framing of issues. The reliance was placed on the relevant dates as recorded in the rojkam, wherein it transpires that the matter was adjourned from time to time. Noticing the aforesaid delay, the time being consumed in framing of the issues and the proceedings being delayed, the petitioner was constrained to approach this Court by preferring present petition by seeking following reliefs :

“(A) This Hon’ble Court may be pleased to issue the writ of mandamus or any other writ, order or direction in the nature of mandamus directing the family Court, Ahmedabad to decide the Family Suit no.1686 of 2023 pending before it as expeditiously as possible and preferably within a period of six months from the date of the receipt of the writ from this Hon’ble Court.

(B) Pending admission, hearing and final disposal of this petition, this Hon'ble Court may be pleased to direct the family Court, Ahmedabad to finalize the issues in Family Suit no.1686 of 2023 on the next date of hearing i.e. 18.03.2025.

(C) This Hon'ble Court may further be pleased to pass any other and further order which this Hon'ble Court deems fit, just and proper, in the interest of justice."

4. Learned advocate for the petitioner by referring to the aforesaid circumstances has urged this Court to issue appropriate direction to fix the hearing of the original proceedings of Family Suit no.1686 of 2023 to be heard and decided within the stipulated period of six months from today.

4.1 Mr. Kadri, learned advocate for the respondent under instructions has submitted that the respondent had appeared in person before the learned Judge, Family Court on 4th February, 2025. However, since he was advised to engage a lawyer on the next date fixed i.e. on 18th March, 2025. Mr. Bharat Parmar, learned advocate was requested to represent his case and accordingly, the Vakalatnama has been submitted on behalf of the respondent no.1. However, without joining any further issues, the learned advocate has fairly submitted that the prayer made by the petitioner may be considered by issuing appropriate direction for expeditious hearing of the original proceedings and has assured this Court

that the respondent shall participate in the proceedings for such expeditious disposal.

5. Considering the aforesaid submissions of the learned advocate for the petitioner and noticing the fact that the matter is at large of framing of issues and the relevant dates as reflected in the rojakam produced on record by the learned advocate, this Court is inclined to consider the prayer for expeditious hearing of the proceedings. Considering the fact that the Family Suit relates to the year 2023 and in view of Section 12 of the Family Courts Act, even otherwise, the Courts are expected to expeditiously decide the proceedings. The learned Judge, Family Court is directed to expedite the hearing and conclusion of the proceedings preferably within the period of ***six months from today***.

6. It is expected of the respective parties to participate in the proceedings for expeditious disposal of the original proceedings being Family Suit no.1686 of 2023 pending consideration before the learned Judge, Family Court, Ahmedabad.

7. With these observations, the present petition stands ***disposed*** of in aforesaid terms.

(NISHA M. THAKORE, J.)

AMAR RATHOD...

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMAR KANTILAL RATHOD(HC01074), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/05/2025 15:00:49