



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 13728/2024

Yatendra Kumar Sharma S/o Shri Ladoo Gopal Sharma, Aged
About 36 Years, Resident Of 2D, 87, Vallabh Garden, Bikaner,
Rajasthan.

-----Petitioner

Versus

Smt. Swati Sharma W/o Yatendra Kumar Sharma And D/o Shri
Rishi Pal Sharma, Aged About 29 Years, Resident Of 98 B, Naya
Bazar, Rawatbhata, District Chittorgarh, Rajasthan.

-----Respondent

For Petitioner(s) : Mr.Pankaj Arora.

For Respondent(s) :

HON'BLE MS. JUSTICE REKHA BORANA

Order

22/08/2024

1. The present writ petition has been preferred with a limited prayer that a direction be issued to the learned Additional District Judge, Begun Camp Court, District Chittorgarh to decide the divorce petition as preferred by the petitioner, expeditiously or within a time bound period of six months.

2. In the opinion of this Court, in absence of any statistics regarding the institution, pending and disposal of the cases before the concerned Court, no sweeping direction can be passed to decide a particular case on priority. Passing such order, in the opinion of this Court, would interfere with the cause list of the concerned Court and the corresponding priorities of the other pending matters.



3. As observed by the Division Bench of the Allahabad High Court in **Ali Shad Usmani vs. Ali Isteba, 2015 (2) ADJ 250 (DB)**, it would be most inappropriate of the Court to entertain a writ petition under Article 226 and/or under Article 227 of the Constitution simply for the purpose of expediting the hearing of a suit. Such orders, if granted, place a class of litigants, who move the Court in a separate and preferential category whereas other cases which may be of similar or great antiquity and urgency are left to be decided in the normal channel. Therein, the Court further observed as under:

"Hence, any such direction may be issued with the greatest care and circumspection by the High Court otherwise the Civil Courts will be overburdened only with requests for expeditious disposal of suits, which have been expedited by the High Court. Most of the litigants cannot afford the expenses of moving the High court and would not, therefore, be in a position to have the benefit of such an order.

Ultimately, it must be left to the judicious exercise of discretion of the concerned Court to determine whether a ground for urgency has been made out. We emphasize that there may be other cases such as involving senior citizens, those who are differently abled or people suffering from a particular disability socio-economic or otherwise which may prime cause of urgent disposal. It is for the learned Trial Judge in each case to apply his or her mind and decide whether the hearing of the suit to be expedited."

4. A similar view was taken by the Division Bench of the Allahabad High Court in the case of **Km. Shobha Bose v. Judge Small Causes & Ors.; 2011 (88) ALR 850** wherein the Court observed as under:

"We are of the opinion that power to direct expeditious disposal of suit or for that matter any lis which, in sum and substance, means out of turn disposal is to be exercised sparingly in extraordinary circumstances and





not in a routine manner. It is fit to be exercised only when the Court comes to the conclusion that delay would cause gross injustice. However, while deciding this issue, the Court would bear in mind that it does not cause injustice to other litigants, who are waiting for justice from before because the very nature of order delays cases filed earlier. It causes resentment and dissatisfaction to those who are waiting for justice from before. It should be exercised only when it comes to the notice of this Court that Judge in seisin of the case is purposely avoiding to dispose of the suit for any oblique motive, which may defeat the justice. An order for expeditious disposal in a routine manner can not be countenanced."



5. So far as the present matter is concerned, admittedly, the divorce petition had been preferred by the petitioner in the Family Court No.1, Bikaner in the year 2020, to be specific, on 17.07.2020 and notices were issued to the respondent on the same day. On 21.09.2020, the respondent submitted a stay order dated 24.08.2020 passed by this Court in S.B. Civil Transfer Application No.72/2020 before the learned Trial Court and hence, the matter was posted on 09.02.2021. Thereafter, the matter was adjourned and it is only on 16.03.2022 that this Court allowed the aforesaid transfer application and transferred the divorce petition from Family Court No.1, Bikaner to Additional District Judge, Begun Camp Court, District Chittorgarh (Trial Court).

6. The petitioner had earlier also filed a writ petition being S.B. Civil Writ Petition No.16973/2023 before this Court for expeditious disposal of the divorce petition. The Court, vide order dated 30.10.2023, had already directed for expeditious disposal of the petition in accordance with law.

7. A bare perusal of the order sheets of the Trial Court reflects that after the matter been transferred, it was kept for conciliation proceedings, which is a mandate. The same having



failed, the matter was posted for petitioner's evidence on 06.08.2024. The order sheets nowhere reflect that the proceedings have been delayed inordinately or intentionally.

8. In view of the above observations, this Court is not inclined to entertain the present petition and the same is hence, **dismissed.**

9. Stay petition and all pending applications, if any, stand **disposed of.**

(REKHA BORANA),J

19-Sphophaliya/AbhishekK/-