

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 1829 of 2012

Smt. Pooja W/O Sri Vijay Kumar D/O Mahesh Kumar R/O Indra Basti, Ranikhet, Post Office Sadar Bazar, Ranikhet, District Almora.

... Petitioner.

Versus

Vijay Kumar S/O Sri Basant Kumar, R/O Indra Basti, Ranikhet, Post Office Sadar Bazar, Ranikhet, District Almora.

... Respondent.

Mr. Amish Tiwari, Advocate, learned counsel for the petitioner.

Date August 31, 2012.

Hon'ble B.S.Verma, J.

(Interim Relief Application No. 9127 of 2012)

Heard learned counsel for the petitioner.

In the course of arguments, learned counsel for the petitioner has pressed the prayer no. 1, i.e. for a direction to the Civil Judge (Senior Division) Almora to decide the Misc. Case No. 40 of 2009, of the Hindu Marriage Act (*for short the Act*), arising out of Suit No. 61 of 2009, Vijay Kumar Vs. Smt. Pooja Arya, under Section 12 of the Act pending in that Court.

According to the petitioner, the respondent-husband filed a petition under Section 12 of the Act against the petitioner-wife in the Court of Civil Judge (Senior Division) Almora, which was registered as Suit/Case No. 61 of 2009. In the suit, the petitioner filed her written statement. According to the petitioner, the petitioner also moved an application under Section 24 of the Act for grant of alimony and costs of the suit during the pendency of the suit, which was registered as Misc. Case No. 40 of 2009. Both the cases are said to be pending for disposal in that Court.

In the above facts and circumstances of the case, the learned Civil Judge (Senior Division) Almora, is directed that while deciding the Section 12 petition filed by the respondent under the Act, decision on the Miscellaneous Case No. 40 of 2009, filed by the petitioner against the respondent herein, be also taken and both the cases aforesaid be decided expeditiously, in accordance with law.

With the observation, the writ petition is disposed of finally. All pending applications stand disposed of.

A certified copy of this order be issued to the learned counsel for the petitioner by tomorrow on payment of usual charges.

(B.S.Verma, J.)

RCP