

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 672/2023

Ghulam Mohi-Ud-Din Bhat

.... Petitioner/Appellant(s)

Through:- Mr. Nissar Ahmad, Advocate.

V/s

Hameera Banoo and another

.....Respondent(s)

Through:- None

CORAM: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER
29.12.2023

01. The petitioner has invoked the inherent jurisdiction of this Court for quashing of application under Section 127 of Cr.P.C. filed by the respondents and revocation of maintenance order dated 12.12.2015 passed by the trial Court.

02. The petitioner submits that respondents i.e., his daughter and son were initially granted maintenance by the Court on 17.08.2002. The respondents preferred another application for maintenance, the matter was placed before the Lok Adalat and both the parties entered into settlement and the petitioner/non-applicant was directed to pay monthly maintenance of Rs. 5,500/- on 12.12.2015 to be deposited in the J&K Bank Branch, Pattan.

03. The contention of the petitioner is that both the children have attained majority and are not entitled to maintenance under Section 125 Cr.P.C.

04. The petitioner thereafter filed two applications for dismissal of application under Section 127 Cr. P.C. filed by the respondents and another application for cancellation of order dated 12.12.201 granting maintenance to the respondents.

05. The petitioner is aggrieved of non-consideration of applications filed by him and seeks quashing of the enhancement application filed by the respondents as well as the order granting maintenance dated 12.12.2015. This Court, vide order

dated 01.12.2023, sought status report from the Judicial Magistrate (1st Class), Pattan in his regard.

06. As per the status report, application under Section 127 of CrPC titled '*Mst. Hameera Banoo and others vs. Ghulam Mohid-ud-Din Bhat*' is pending and posted for hearing on 04.12.2023 but the petitioner sought his exemption from personal appearance by way of an application which was allowed with a direction to produce all his witnesses on the next date.

07. The report also states that the non-applicant had earlier also filed a transfer petition, in which the direction was issued on 17.05.2023 to dispose of the matter expeditiously. Another application seeking recovery of arrear of maintenance titled *Hameera Banoo v. Ghulam Mohi-ud-Din Bhat* seeking recovery of arrears of maintenance was also pending and posted for arguments on 30.12.2023.

08. The petitioner has also moved another application seeking cancellation of order dated 12.12.2015 and that application is also pending and posted for arguments on 04.12.2023. As per the status report, both the applications are pending as the petitioner has sought exemption from appearance.

09. The petitioner submits that he is 75 years old and is unable to appear in the Court and, therefore, he may be exempted from personal appearance in the matter. The counsel for the petitioner in this view of the matter shall move an appropriate application seeking exemption from personal appearance which would be considered by the trial Court strictly in accordance with the law.

10. In view of the aforesaid facts and the status report filed and the fact that both the applications are pending consideration, this petition is without any merit and is, accordingly, **dismissed**. The learned Trial Court is directed to decide all the pending applications expeditiously in accordance with law.

(Sindhu Sharma)
Judge

Jammu:

29.12.2023/Michal Sharma/PS