

Court No. - 85

Case :- APPLICATION U/S 483 No. - 26 of 2023

Applicant :- Amrita Tripathi @ Amrita Tiwari

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Shashank Tripathi

Counsel for Opposite Party :- G.A.,Prakash Man Tiwari

Hon'ble Mayank Kumar Jain,J.

Heard Sri Shashank Tripathi, learned counsel for the applicant and Sri Prakash Man Tiwari, learned counsel for the respondent no.3 as well as learned A.G.A. for the State and perused the record.

By means of the present application under Section 483 Cr.P.C., the applicant has sought for a suitable direction to the Additional Principal Judge, Family Court, Court No. 2, Kanpur Nagar to consider and decide Criminal Misc. Case No. 2396 of 2021 (Amrita Tripathi @ Amrita Tiwari Vs. Alok Tripathi), under Section 125 (3) Cr.P.C., Police Station- Naubasta, District-Kanpur Nagar, within time stipulated by this Court.

Respondent no.3 was directed to pay Rs. 3,000/- per month as maintenance to the applicant. Learned counsel for the applicant submits that till today around Rs. 2,50,000/- have become due upon respondent no.3.

Learned counsel for the respondent no.3 submits that the order dated 20.09.2021 was an ex parte order and he has apprehension that if respondent no.3 approach the Court, he may be arrested.

Learned counsel for the respondent no.3 submits that he may be permitted to deposit 50% of the aforesaid amount before the Court concerned with liberty to move an appropriate application.

In case, the respondent no.3 deposit 50% of the due amount of maintenance within two months from today before the Court concerned, he is at liberty to move an appropriate application before the Court concerned and no coercive action shall be taken against him till disposal of that application.

The application is finally disposed of with a direction to the court concerned that in case, respondent no. 3 file the aforesaid

application and deposit the 50% amount of maintenance (which shall be released in favour of the applicant) the same shall be decided expeditiously as early as possible in accordance with law.

Order Date :- 12.12.2023

AKT