

Court No. - 92

Case :- APPLICATION U/S 482 No. - 30192 of 2023

Applicant :- Vijay Laxmi Jaiswal

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- R S Dubey, Savita Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Nikhil Upadhyay, advocate holding brief of Sri R.S. Dubey, learned counsel for the applicant and Sri Pankaj Srivastava, learned A.G.A. for the State.
2. The instant application has been filed seeking a direction for expeditious disposal of the complaint case no. 24 of 2020 (Vijay Laxmi Jaiswal Vs. Deepak Kumar Jaiswal), under Section 125 Cr.P.C. filed by the applicant herein seeking maintenance from her husband.
3. The brief facts of the case are that on 21-11-2017 the applicant and the opposite party no.2 were married and out of their wedlock one female child was born and due to matrimonial discord between the parties, the applicant herein has filed the instant application seeking maintenance from her husband.
4. The opposite party no.2 had appeared on 19-11-2023 and filed reply on the said application. The matter is pending and could not be decided, therefore, the learned counsel for the applicant further submits that the applicant herein has no source of income and is suffering from day to day hardship, therefore, she has prayed for expeditious disposal of the said application.
5. Having regard to the prayer made by the applicant, this Court does not find it proper to issue notice to the opposite party no.2 and keep the matter pending here and call for any counter affidavit.
6. Therefore, having regard to the overall circumstances and the object of Section 125 Cr.P.C., which provides for immediate attention of the learned Magistrate to pass appropriate orders for maintenance to a destitute person. Therefore, in the interest of justice it is directed that the learned Additional Principal Judge, Family Court, No.1, Gorakhpur shall decide the said complaint case no. 24 of 2020 (Vijay Laxmi Jaiswal Vs. Deepak Kumar Jaiswal), under Section 125 Cr.P.C. expeditiously preferably within

a period of six months from the date of production of a certified copy of this order, provided that no adjournment is sought by the applicant herein and there is no legal impediment.

6. With the aforesaid observations, the instant application stands **disposed of**.

Order Date :- 12.10.2023

pks