

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33640 of 2023

Applicant :- Sagar Goyal

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

Counsel for Applicant :- Yash Raj Verma,Irfan Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the impugned ex-parte order dated 24.04.2023 passed by the court of Principal Judge, Family Court, Sambhal at Chandausi, in Case No. 411 of 2022 (Sagar Goyal vs. Smt. Riddhi Agarwal), under Section 125 Cr.P.C., whereby a sum of Rs.40,000/- per month has been awarded to opposite party no. 2 & 3 as well as the impugned order dated 28.08.2023 passed by the court of Principal Judge, Family Court, Sambhal at Chandausi, whereby the Application so moved by the applicant has been rejected.

3. Counsel for the applicant submits that the applicant is the husband of opposite party no. 2. He next submits that opposite party nos. 2 & 3 moved an application under Section 125 Cr.P.C. against the applicant (husband). He next submits that applicant did not appear in the proceedings and the Principal Judge, Family Court ex-parte allowed the application of opposite party nos. 2 and 3 on 26.04.2023 with maintenance amount of Rs.30,000/- per month and Rs.10,000/- per month in favour of opposite party nos. 2 & 3, respectively. He next submits after getting knowledge of order dated 26.04.2023, applicant moved an application under Section 126(2) Cr.P.C. for recalling the order dated 26.04.2023. He next submits that the application of applicant filed under Section 126(2) Cr.P.C. was allowed by the learned court below with a cost of Rs.1,00,000/-. He next submits that the cost amount of Rs.1,00,000/- is too excessive and imposing of cost by Family Court is without application of judicial mind and is illegal. He next submits that cost amount of Rs.1,00,000/- should be reduced to some reasonable amount.

4. Per contra, learned AGA opposes the submissions raised by counsel for the applicant.

5. Considered the submissions raised by counsel for the applicant and perused the entire record.

6. This application is **disposed of** with a direction that if applicant deposits Rs.50,000/- as cost amount within fifteen days from today, the order dated 26.04.2023, 27.07.2023 and consequential order dated 28.08.2023 shall be deemed to be set-aside and thereafter, if applicant filed objections within fifteen days, the proceedings under Section 125 Cr.P.C., shall be decided by the court below within a period of two months, thereafter.

7. However, if applicant does not deposit Rs.50,000/- as cost amount within fifteen days as aforesaid, the order passed today shall have no effect.

Order Date :- 13.10.2023

Aditya