

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34040 of 2023

Applicant :- Kartar Singh Alias Devendra And 4 Others

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

Counsel for Applicant :- Prem Chandra Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to set aside the impugned order dated 02.08.2023 passed by the Judicial Magistrate, Agra in Case No.1524 of 2022 (Varsha vs. Kartar alias Devendra and others), under section 12 Domestic Violence Act, 2005, police station Fatehabad, District Agra.
3. Learned counsel for the applicants submits that interim maintenance application of the opposite party no.2 was allowed by order dated 02.08.2023, is illegal and without considering the objection raised before the concerned court and interim maintenance of Rs.4,000/- per month to opposite party no.2, is arbitrary and is liable to be set aside. Learned counsel for the applicants next submits that applicants and opposite party no.2 in pursuance of court's order dated 13.01.2023 appeared before Mediation and Conciliation Centre and Mediation and Conciliation Centre submitted report on 13.04.2023 that parties have decided to live together as husband and wife forgetting all previous disputes and differences and they undertake to discharge all matrimonial obligations towards each other in respectful manner and Mediation & Conciliation Centre report in Para-6(g) states that it has also been agreed between the parties that all the cases filed by them against each other shall be kept in abeyance for this intervening period and case shall be put up on 25.05.2023. Learned counsel for the applicants submits that opposite party no.2 did not appear on 25.05.2023 and applicant no.1 (husband) has tried to get opposite party no.2 back but opposite party no.2 is not ready to live with applicant no.1. He next submits that applicants are very poor person and not in a position to give Rs.4,000/- as maintenance to opposite party no.2.
4. *Per contra*, learned A.G.A. vehemently opposed the contention of learned counsel for the applicants.
5. Considered the argument raised by learned counsel for the applicants and perused the record. Order impugned challenged herein is interim maintenance and proceeding under section 12 of Domestic Violence Act is pending for final adjudication and learned magistrate has allowed the interim maintenance application considering the prayer of the opposite party no.2 and this Court at this

stage cannot give any finding on the documents produced before this Court whereas court concerned has to consider the evidence produced by the applicants as well as opposite party no.2-wife and will have to pass order after examining all the documents.

6. In view of the above, this Court does not find any ground to interfere. The present 482 application is **dismissed** with the aforesaid observation.

7. However, trial Court is directed to decide and conclude the proceeding within a period of six months from the date of production of certified copy of this order

Order Date :- 16.11.2023

SKD