

Court No. - 89

Case :- APPLICATION U/S 482 No. - 34321 of 2023

Applicant :- Santosh Kumar Gond

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

Counsel for Applicant :- Rajendra Kumar Yadav,Rajendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State and perused the record.
2. The present application under Section 482 Cr.P.C. has been filed to quash the order dated 07.08.2023 passed by the Principal Judge, Family Court, Deoria in Maintenance Case No.202 of 2023, (Smt. Girja Devi and Others Vs. Santosh Kumar Gond) under Section 125 Cr.P.C., P.S. Bhatani, District Deoria.
3. It is submitted by the learned counsel for the applicant that instant application has been filed challenging the interim maintenance order dated 07.08.2023 by which the application of opposite party no. 2 for interim maintenance was partially allowed with direction that applicant shall pay Rs. 7000/- per month to opposite party no. 2 and Rs. 3000/- to opposite party no. 3. Further submission is that applicant filed objection against the proceedings but the court has not considered the said objection and in ordinary manner, allowed the interim maintenance application. He next submits that interim maintenance awarded by the court below is too excessive as applicant gets Rs.20,000/- as pension and 50% of the amount would be paid to opposite party nos. 2 and 3 in pursuance of the said order.
4. Learned AGA has submitted that there is a provision under Section 125 Cr.P.C., for granting interim maintenance during pendency of the application under Section 125 Cr.P.C. The opposite party No.2 is admittedly wife of the applicant and the learned court below has clearly observed that being husband of the

opposite party No.2, it is the liability of the applicant to maintain his wife and children. It has also been submitted by the learned AGA that the amount awarded as interim maintenance is reasonable and cannot be said to be excessive. It has also been submitted by the learned AGA that since the final disposal of the maintenance application is yet to be made on the basis of the evidence of the parties, therefore, instead of keeping this petition pending before this Court, a direction be issued to the learned Principal Judge, Family Court to proceed with the case and finally decide the same at an early date.

5. Having considered the submissions made on behalf of the parties and having gone through the impugned order, I do not find that there is any abuse of the process of law in passing the impugned order.

6. For the aforesaid reasons, the present application under Section 482 Cr.P.C., for quashing the order of interim maintenance has no merit and is accordingly **dismissed**.

7. However, Court concerned is directed to decide the petition under Section 125 CrPC expeditiously fixing short dates. Parties shall cooperate.

Order Date :- 31.10.2023

Meenu Singh