

**Court No. - 87**

**Case :-** APPLICATION U/S 482 No. - 34645 of 2023

**Applicant :-** Gaurav Kumar And Another

**Opposite Party :-** State Of U.P. Through Its Principal Secretary And Another

**Counsel for Applicant :-** Atul Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Neeraj Tiwari, J.**

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

2. Present application has been filed with following relief;

*"It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to stay the operation of impugned judgment / order dated 19.08.2023 passed by Additional Principal Judge (Family Court), Court No. 2, Muzaffar Nagar in Misc. Case No. 1011 of 2022 (Gaurav Kumar and another Vs. Naresh Kumar), under Section 126(2) Cr.P.C., arising out of Case No. 321/11 of 2021 (Naresh Kumar Vs. Gaurav Kumar and another), under Section 125 Cr.P.C., P.S. Kotwali Nagar, District Muzaffar Nagar whereby an application moved by the applicants under Section 126(2) Cr.P.C. to set aside the ex-parte order dated 28.07.2022 passed by Learned Additional Principal Judge, Family Court No. 2, Muzaffar Nagar has been allowed, the order dated 28.07.2022 has been set aside with condition to pay an amount of Rs. 20,000/- as an expense and a sum of 3000/- rupees per month to each of the applicant has been awarded in favour of respondent no. 2 per month from the date of order 19.08.2023 as an interim maintenance on the application which was moved under Section 125 Cr.P.C."*

3. After some argument, learned counsel for the applicants submitted that he does not want to press this application for the relief prayed. He further requested that direction may be issued to Additional Principal Judge (Family Court), Court No. 2, Muzaffar Nagar for expeditious disposal of Case No. 321/11 of 2021 (Naresh Kumar Vs. Gaurav Kumar and another) at the earliest.

4. Considering the facts and circumstances of the case, this application is **disposed of** with direction to Additional Principal Judge (Family Court), Court No. 2, Muzaffar Nagar to decide the aforesaid case in compliance of the order dated 19.08.2023, maximum within a period of four months from the date of production of a certified copy of this order, without granting any unnecessary adjournments to either of the parties, if there is no other legal impediment.

**Order Date :-** 13.10.2023

Arvind