

Court No. - 88

Case :- APPLICATION U/S 482 No. - 34981 of 2023

Applicant :- Tayabba Khatoon And Another

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

Counsel for Applicant :- Rajeev Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1- Heard Mr. Rajeev Kumar Upadhyay, learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2- By means of this application, the applicants have prayed for expeditious disposal of Maintenance Suit No. 18/11 of 2019 (Tayyaba Khatoon and another Vs. Mohd. Asad) under Section 125 Cr.P.C. pending in the Court of Principal Judge, Family Court, Sant Kabir Nagar within the time-bound frame.

3- It is submitted by learned counsel for the applicants that applicant no. 1 is wife and applicant no. 2 is daughter of opposite party no. 2, respectively. An application under Section 125 Cr.P.C. filed by the applicants on 21.01.2019 is still pending. It is also pointed out that even an application dated 23.03.2022 of the applicants filed by them seeking interim maintenance is also pending, whereas opposite party no. 2 has already appeared in the aforesaid proceeding. Referring the order-sheet of the case, it is pointed out that proceeding is going on in a very causal manner, therefore, serious prejudice is being caused to the applicants.

4- Learned A.G.A. states that considering the nature of relief, no useful purpose would be served in issuing notice to opposite party no.2 and keeping this application pending before this Court and it may be disposed of at this stage itself.

5- Having heard the submissions of learned counsel for the parties as noted above, I find that it is not in

dispute that the proceeding under Section 125 Cr.P.C. initiated by the applicants on 21.01.2019 is still pending. Here it would be apposite to mention that the Amendment Act, 2001 introduced an express provision for grant of "interim maintenance" under Section 125 Cr.P.C. and power has been vested to the concerned Court to order for making a monthly allowance towards interim maintenance during pendency of the petition. The third proviso to Section 125 Cr.P.C. (inserted vide Act 50 of 2001 w.e.f. 24.09.2001) provides that the proceeding for interim maintenance, shall as far as possible, be disposed of within 60 days from the date of service of notice on the contesting spouse but the said provisions are not being followed in its letter and spirit.

6- In view of the above, considering the limited grievance of the learned counsel for the applicants, learned Principal Judge, Family Court, Sant Kabir Nagar is directed to make an endeavour to decide the aforesaid case in the light of directions given by the Apex Court in the case of **Rajnish Vs. Neha and another, (2021) 2 SCC 324** within a period of two months from the date a certified copy of this order is produced before it, if there is no legal impediment.

7- With the aforesaid directions, this application is disposed of.

Order Date :- 22.11.2023
Shubham