

Court No. - 93

Case :- APPLICATION U/S 482 No. - 35564 of 2023

Applicant :- Sarika Rai And 2 Others

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Shiv Bahadur Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicants, being wife and children respectively of opposite party no.2-Ajay Kumar Rai have invoked the inherent powers of this Court under Section 482 Code of Criminal Procedure seeking directions for expeditious disposal of their claim of maintenance filed under Section 125 Cr.P.C. bearing Case No. 693 of 2020, titled *Sarika Rai Vs. Ajay Kumar Rai*, pending in the court of Additional Principal Judge, Family Court No.1, Varanasi.

Learned counsel for applicants submits that applicants brought their claim for maintenance under Section 125 Cr.P.C. on 27.10.2020 and after service of opposite party no.2, the Principal Judge, Family Court, Varanasi vide order dated 18.11.2021 awarded monthly interim maintenance @ Rs.5,000/- to the applicant no.1 and Rs.3,000/- to the applicant nos.2 & 3, but the said decision was put under challenge by opposite party no.2 in Criminal Revision No. 3546 of 2021. He submits that order dated 18.11.2021 passed by Principal Judge, Family Court, District Varanasi was set aside by this Court solely on

the ground that opposite party no.2 was not given any time to file objections to the claim raised by the applicants. He submits that thereafter, on 18.1.2022 the opposite party no.2 tendered the copy of the order dated 23.12.2021 passed by this Court in Criminal Revision No. 3546 of 2021 and thereafter, on 18.5.2022 the husband-opposite party no.2 filed his objections to the claim raised by applicants. He submits that thereafter, the case is being adjourned without any effective proceedings, therefore, the necessity arose for the applicants to seek indulgence of this Court.

Upon hearing the learned counsel for applicants and considering the material on record, particularly the *zimni* orders passed by trial court, it comes out that initially, the interim maintenance was awarded to the applicants @ Rs.5,000/- per month to the applicant no.1 and Rs.3,000/- per month to the applicant nos.2 & 3 vide order dated 18.11.2021, but by virtue of the order dated 23.12.2021, the said grant of maintenance was set aside, and despite the objections by the husband-opposite party no.2 filed on 18.5.2022, the proceedings are not making any headway. Therefore, considering the nature of relief claimed by the applicants, it would be in the interest of justice, if, the pending proceedings are expedited.

This Court is not inclined to issue any notice to the opposite party no.2 for the purposes of the hearing of this case as the nature of the order is not likely to

cause any prejudice to the opposite party no.2.

Consequently, the application is disposed of with a direction to the Additional Principal Judge, Family Court, Varanasi to expeditiously decide the claim filed by the applicants bearing Case No. 693 of 2020, titled *Sarika Rai Vs. Ajay Kumar Rai*, under Section 125 Cr.P.C. by avoiding unnecessary adjournments. The claim be decided preferably within a period of three months from the presentation of certified copy of this order.

Order Date :- 28.11.2023

P.S.Parihar