

Court No. - 85

Case :- APPLICATION U/S 483 No. - 1221 of 2023

Applicant :- Khalida Jaya Begum And 4 Others

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

Counsel for Applicant :- Pradeep Kumar, Dinesh Yadav, Mahesh Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the applicant and learned A.G.A. for the State.

By means of the present application under Section 483 Cr.P.C., the applicant has sought for a suitable direction to the learned Principal Judge, Family Court, District Mau to expedite the proceeding of Misc. Recall Application No. Nil of 2023 (Khalida Vs. Mukhtar Ahmad) under Section 126 of Cr.P.C, filed by opposite party no. 2 namely Mukhtar Ahmad for recalling ex parte order dated 19.12.2015 arising out of Case No. 311 of 2015 pending before learned Principal Judge, Family Court, District Mau within time stipulated by this Court.

It was submitted by learned counsel for the applicant that a Recall Application No. Nil of 2023 (Khalida Vs. Mukhtar Ahmad) under Section 126 of Cr.P.C is filed by opposite party no. 2 namely Mukhtar Ahmad in the year 2023 but the same has not been decided so far due to which, applicant is suffering irreparable loss. Learned counsel further submits that a direction may be issued to the concerned Court to decide the aforesaid application within specific time.

No useful purpose would be served in keeping the application pending, which is finally ***disposed of*** with a direction to learned Principal Judge, Family Court, District Mau to consider and decide the aforesaid case expeditiously, in accordance with law, preferably within a period of six months from the date of presentation of certified copy of this order, provided there is no other legal impediment.

Order Date :- 21.11.2023

Vipasha