

Court No. - 92

Case :- APPLICATION U/S 482 No. - 37661 of 2023

Applicant :- Smt. Khushnuma Parveen

Opposite Party :- State Of U.P. And 7 Others

Counsel for Applicant :- Arun Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Arun Kumar Tripathi, learned counsel for the applicant and Sri Prashant Kumar, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking direction for expeditious disposal of the Restoration Application No. 1477 of 2021 (Manzoor Ahmad vs. Smt. Khushnuma Parveen) in Case No. 1932 of 2022, arising out of Complaint Case No. 2351 of 2020 u/S 12 of the Protection of Women for Domestic Violence Act, P.S.- Bhawanpur, District- Meerut, pending in the court of learned Civil Judge (Junior Division), F.T.C, Meerut.

3. Learned counsel for the applicant submits that the applicant herein had filed an application u/S 12 of the Domestic Violence Act, which was decreed ex-parte by the learned Magistrate, vide order dated 12.10.2021, whereby the applicant herein was directed to be paid Rs. 4,000/- per month, as maintenance and Rs. 1,00,000/- as one time compensation due to domestic violence. Further, the applicant was awarded Rs. 4,000/- per month as the rental for the shelter of the applicant. Against the said order, the opposite party no.2, who is the husband of the applicant herein, has filed an application for restoration/recall of the said order dated 12.10.2021 on 09.11.2021, which has been registered as Restoration Application No. 1477 of 2021 and the same is pending disposal for about two years and due to non-cooperation of the opposite party no.2, the same is not being decided and the applicant herein is suffering day-by-day and as per provisions of the Domestic Violence Act, the proceedings under the Domestic Violence Act are required to be concluded within a period of two months. However, more than three years have passed and the applicant is being deprived of the amount awarded by the learned Magistrate in her favour, due to the pendency of the application for recall of the said order by the opposite party no.2. Therefore, learned counsel for the applicant has prayed for expeditious disposal of the said restoration/recall application filed by the opposite party no.2 at

the earliest so that she can get the amount awarded by the Court concerned. Learned counsel for the applicant further submits that for execution of the order dated 12.10.2021, the applicant has already filed the execution Case No. 132 of 2021, which is pending for disposal.

4. Looking at the nature of the prayer and provisions of the Domestic Violence Act, which mandates that the proceedings under the domestic violence are required to be concluded within a period of two months from its inception and since more than three years have passed and the applicant has not been able to get any amount despite the ex-parte order passed by the learned Magistrate in favour of the applicant. Learned counsel for the State do not object to the prayers made by the applicant for expeditious disposal of the restoration/recall application filed by the opposite party no.2.

5. In view of the aforesaid submissions made by the parties and looking at the facts and circumstances of the case, the instant proceedings under Domestic Violence Act, are pending since the year, 2020 and about 3 years have passed, despite the ex-parte order, which has not been set-aside by any competent court, the applicant is not able to get any amount. Therefore, it is directed that the learned Civil Judge (Jr. Division), Fast Track Court, Meerut, shall decide the restoration/recall application seeking recall of the order dated 12.10.2021, at the earliest preferably within a period of two months from the date of production of the certified copy of this order and thereupon may proceed to pass an appropriate orders in the execution Case No. 132 of 2021, at the earliest.

6. With the aforesaid observations, the instant application is **disposed of**.

Order Date :- 30.10.2023

Shubham Arya