

Court No. - 35

Case :- APPLICATION U/S 482 No. - 40276 of 2023

Applicant :- Shakeela

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

Counsel for Applicant :- Dinesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Vikas Budhwar,J.

Heard Sri Dinesh Kumar Pandey, learned counsel for the applicant and Sri Chandrabadan learned AGA for the opposite party no.1.

In view of the order, which is being proposed to be passed today, notices are not being issued to the second respondent.

The case of the applicant is that she is legally wedded wife of the opposite party no.2. Proceedings were undertaken under Section 125 of the Cr.P.C. which was numbered as Case No.219 of 2019, Shakeela vs. Kamaluddin which came to be decided on 2.4.2022 entitling the applicant for maintenance.

An application purported to be under Section 128 of the Cr.P.C. was preferred before the Principal Judge, Family Court, Gorakhpur which was registered as Misc. Case No.493 of 2022 which according to the learned counsel for the applicant is pending.

Prayer in the present application is for a direction to expedite the proceedings which is stated to be pending under Section 128 of the Cr.P.C. before the Principal Judge, Family Court, Gorakhpur.

Learned AGA who appears for the State submits that though a direction be issued but the same should be subject to any legal impediment and also looking into the fact that the applicant is not instrumental in delaying the proceedings.

Considering the submissions of the rival parties as well as stand taken by them, the applicant stands disposed off directing the Principal Judge, Family Court, Gorakhpur to decide the Misc. Case No.493 of 2022, Shakeela vs. Kamaluddin emanating from the proceedings under Section 125 of the Cr.P.C. in Case No.219 of 2019 within a period of three months from the date of presentation of the certified copy of the order off course subject to

any legal impediment in that regard after hearing the opposite party no.2 also.

Needless to point out that this Court did not adjudicate on the merits of the matter.

With the aforesaid observation, the application is **disposed off**.

Order Date :- 1.11.2023

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