

Court No. - 92

Case :- APPLICATION U/S 482 No. - 39834 of 2023

Applicant :- Rupa Chauhan

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

Counsel for Applicant :- Shadab Alam

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ankit Prajapati, learned Advocate, holding brief of Sri Shadab Alam, learned counsel for applicant and learned AGA for State.

2. The instant application, under Section 482 Cr.P.C., has been filed praying for a direction for expeditious disposal of Case No. 269 of 2019, Rupa Chauhan v. Bechan Chauhan, filed under Section 125 Cr.P.C. pending before the Principal Judge, Family Court No.1, Azamgarh.

3. Learned counsel for applicant submits that the instant application has been filed in the year 2019 for grant of maintenance. The same is pending since 2019 and the Opposite Party No.2 has filed the reply in the year 2020. Despite that, the same could not be disposed of due to non-cooperation of the Opposite Party No.2 and the matter is being adjourned from time to time.

4. In view thereof, the learned counsel for the applicant submits that since the proceedings under Section 125 Cr.P.C. are urgent in nature as it requires the immediate financial support to the destitute lady. Since more than four years this application is pending and could not be decided due to non-cooperation of the Opposite Party No. 2. Hence, she has prayed for a direction to the court concerned for expeditious disposal of the same.

5. On the aforesaid facts and circumstances of the case, learned AGA for State did not oppose the prayer made by the learned counsel for the applicant.

6. Looking into the facts, nature and prayer made by the learned counsel for applicant, this court did not find any reason to issue notice to Opposite Party No.2, to keep the matter pending herein, which will further delay the disposal of the application.

7. In view thereof, since the 125 Application is pending since

2019 for recording and cross-examination of all the witnesses on behalf of the applicant and Opposite Party No.2 deliberately dealing the disposal of the said case by not cross examining the witnesses.

8. Looking into the facts and nature of the proceedings, which are of urgent nature, which requires immediate financial support to a destitute lady. Therefore, the instant application is **allowed** and Additional Principal Judge, Family Court No.1, Azamgarh is directed to dispose of Case No. 269 of 2019, Rupa Chauhan v. Bechan Chauhan, filed under Section 125 Cr.P.C. expeditiously and preferably within a period of six months from the date of production of certified copy of this order.

Order Date :- 2.12.2023

Akram