

Court No. - 90

Case :- APPLICATION U/S 482 No. - 40063 of 2023

Applicant :- Faheem Ahamad

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Ashok Kumar, Virendra Kumar Sonkar

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak, J.

1. The applicant has assailed the final order dated 8.11.2021 passed by the Principal Judge, Family Court, District Amroha in a proceeding under Section 125 CrPC granting maintenance to the wife to the tune of Rs. 3,000/- per mensem and to his both children to the tune of Rs. 1,250/- per mensem each as well as the order dated 19.9.2023 by which learned family court has issued notice to the present applicant under Section 125 (3) CrPC.

2. Learned AGA has raised preliminary objection with respect to the maintenance of the instant application on the ground that the order dated 19.11.2023 is not a final order in the eye of law instead same is an interlocutory in the nature by which only notice has been ordered to be issued. He has also submitted that final order dated 8.11.2021 passed by the family court in proceeding under Section 125 (3) CrPC is revisable under the law (revision/recall), therefore, on the ground of availability of alternative remedy, the instant application is liable to be rejected.

3. In this conspectus, as above, I do agree with the submission as raised by the learned AGA, therefore, instant application is rejected on the ground of availability of alternative remedy.

4. Before parting with the matter, learned counsel for the applicant has prayed for issuance of a direction to the office concerned to return the certified copy of the order/documents so that he may resort to the remedy available under the law, as may be advised.

5. As such, the office is directed to return the certified copy of the orders under challenge/documents after retaining its photostat

copies at the relevant place.

Order Date :- 11.12.2023

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