

Court No. - 92

Case :- APPLICATION U/S 482 No. - 40055 of 2023

Applicant :- Smt. Rinki

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

Counsel for Applicant :- Ashish Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ashish Kumar Gupta, learned counsel for the applicant and Sri Ramesh Kumar, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking for direction to expedite the hearing of Case No.839 of 2022 (Smt. Rinki vs. Vikas Kumar) u/S 125 Cr.P.C., pending in the court of Principal Judge, Family Court, Mathura.

3. Learned counsel for the applicant submits that the applicant herein is the wife of the opposite party no.2 and since, it is a matrimonial dispute between them, the applicant no.2 alongwith her son, is residing separately from opposite party no.2, since 05.01.2020, since, there is no source of income, therefore, she has prayed for maintenance by filing the Application u/S 125 Cr.P.C., as the opposite party no.2 was not paying any maintenance and which is pending since 01.09.2022. Learned counsel for the applicant further submits that the opposite party no.2, though appeared before the trial court, is deliberately avoiding the process and delaying the disposal of Application u/S 125 Cr.P.C. Therefore, the instant application has been filed for expediting the hearing of the said case.

4. Learned counsel for the opposite party no.2, relying upon the Para '4' of the Application u/S 125 Cr.P.C., submits that the opposite party no.2 is already paying the amount of Rs. 10,000/- per month, as interim maintenance and now this application has been filed for determination of the maintenance by the competent court and summons have been served on the opposite party no.2 and he has put in appearance and the opposite party no.2 has already filed his written statement in the instant case.

5. In view view of the payment of interim maintenance being made by opposite party no.2 and his cooperation by filing the reply, learned counsel for the State submits that no direction for

expeditious hearing is required at this stage.

6. Having heard the submissions made by learned counsels for the parties, this Court has carefully gone through record of the case and found that this application was filed by the applicant on 01.09.2022 and clearly stating in Para '4' that interim maintenance is being paid to her regularly, as per the oral orders of Superintendent of Police, Mainpuri and from the record it appears that the opposite party no.2 has appeared in the proceedings and has filed his written statement. Therefore, he is cooperating with the proceedings.

7. In view thereof, the trial court is directed to decide the aforesaid case in accordance with law after giving reasonable opportunity of hearing and without granting any unnecessary adjournment to any of the parties.

8. With the aforesaid direction, the instant application is ***disposed of.***

Order Date :- 4.12.2023
Shubham Arya