

Court No. - 4

Case :- APPLICATION U/S 482 No. - 40640 of 2023

Applicant :- Hazrat Hasan Ansari

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Ramanand Pandey, Pardeep Narayan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State perused the record.
2. The present application has been filed by the applicant inter alia with the prayer to partly quash the order dated 11.10.2023 passed by Additional Principal Judge, Family Court, Basti in Case No 153/11-A/23 (Hajarat Hasan Ansari Vs. Rubina Khatoon) under section 126(2) Cr.P.C., P.S. Kotwali, District Basti.
3. The facts in brief as contained in the present applicant are that in the proceedings initiated by the opposite party nos. 2 and 3 by moving an application under Section 125 Cr.P.C. an ex-parte order was passed in their favour on 31.10.2022. Aggrieved against the aforesaid, an application under section 126(3) Cr.P.C. was filed by the applicant. After hearing the counsel for parties, the aforesaid application was allowed but while allowing the same, cost of Rs. 50,000/- was imposed.
4. Aggrieved against the cost imposed by the aforesaid order, the applicant has preferred the present application.
5. It is argued by learned counsel for the applicant that while imposing a cost of Rs. 50,000/-, no cogent reasons and infact no reasons whatever has been assigned. Hence this part of the order is liable to be set aside.
6. Heard counsel for the applicant, learned A.G.A. for the opposite party No.1 and perused the record.
7. In the facts and circumstances, notice not issued
8. In view of the order proposed to be passed herein, no purpose

would be served by putting the respondent(s) to notice and keeping this petition pending before this Court. However, in case the respondent(s) feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.

9. In the facts and circumstances and also in the interest of justice, since the cost of Rs. 50,000/- was imposed without assigning any reason, in place of Rs. 50,000/- is modified as Rs. 25,000/-.

10. With the aforesaid observation, the aforesaid application is partly allowed.

Order Date :- 3.11.2023

Kumar Manish.