

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41893 of 2023

Applicant :- Smt Harshita @ Manorma

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

Counsel for Applicant :- Jayant Kumar, Kanhiya Lal Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to direct the court of Family Judge, Agra to decide the application of the applicant under Section 125 (3) Cr. P.C. dated 30.05.2023, filed in maintenance Case No. 246 of 2018 (Smt. Harshita @ Manorama Vs. Jitendra Kumar) within stipulated period.
3. Learned counsel for the applicant submits that an application under Section 125 Cr.P.C. was allowed vide order dated 19.04.2023 by the Family Judge, Agra and directed the opposite party no.2 to pay maintenance allowance to the applicant. It is next contended that applicant has not received any single penny in spite of the order passed by the Family Judge, Agra. No efficient initiation has taken by the Family Court, Agra to recover the amount from the opposite party no.2. Application under Section 125(3) Cr. P.C. is pending before executing court.
4. Per contra, learned A.G.A. vehemently opposed the contention of learned counsel for the applicant.
5. Considered the argument raised by learned counsel for the applicant and perused the record. From perusal of record, it is apparent that the order passed by the Additional Principal Judge, Family Court, Agra, allowed maintenance application is just and proper. It is apparent that opposite party no.2 has not paid maintenance amount to applicant(wife). Applicant has filed execution application under Section 125(3) Cr. P.C. before concerned court and same is pending and no order has been passed. The concerned court is hereby directed to take appropriate steps, accordance with law to execute the order passed on the application of the applicant under section 125 Cr. P.C. preferably

within a period of six months from the date of production of certified copy of the order.

6. In view of the above, this Court does not find any ground to interfere. The present 482 application is ***disposed of*** with the aforesaid observation.

Order Date :- 16.11.2023

T.S.