

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41694 of 2023

Applicant :- Mohan Verma

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

Counsel for Applicant :- Kedar Nath Mishra

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 quash the impugned order dated 08.09.2023 passed by the Additional Principal Judge, Family Court, Court No.3, Deoria as well as entire proceeding of Maintenance Case No.547 of 2019 (Kalpana vs.Mohan), under section 125 Cr.P.C., pending in the court of Additional Principal Judge, Family court, Court No.3, Deoria.
3. Applicant has challenged the interim maintenance order by which learned Additional Principal Judge, Family court, Deoria has allowed maintenance of Rs.5,000/- per month. Learned counsel for the applicant submits that maintenance is too excessive and he is unable to make payment.
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, Deoria, granting interim maintenance is just and proper. It is apparent that order challenged herein is passed on the application of opposite party no.2 for interim maintenance. Application under section 125 Cr.P.C. is pending for final adjudication before trial court. Trial court has to consider the objection which is raised here and proceeding is pending, final decision has yet to come after considering material evidence produced before the trial court.
6. In view of the above, this Court does not find any ground to interfere. The present 482 application is **dismissed** with the aforesaid observation.
7. However, trial Court is directed to decide and conclude the proceeding within a period of four months from the date of production of certified copy of this order.

Order Date :- 9.11.2023

SKD