

Court No. - 89

Case :- APPLICATION U/S 482 No. - 43181 of 2023

Applicant :- Smt Seema Devi And 2 Others

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Hridai Narayan Sharma,Avanish Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicants to direct the Upper Principal Judge Family Court Room No. 2, Allahabad to decide the Execution Case No. 41 of 2022, under Section 128 Cr.P.C., pending before him expeditiously or within the period fixed by this Hon'ble Court.

3. Counsel for the applicants submits that applicant no. 1 is the wife of opposite party no. 2. He next submits that earlier applicant no. 1 moved an application under Section 125 Cr.P.C. against the opposite party no. 2, which was allowed by the learned trial court with the direction that opposite party no.2 shall make payment of Rs.5,000/- per month as an interim maintenance in favour of the applicants, thereafter, on 01.06.2022 final award was passed by the learned trial court that opposite party no. 2 shall make payment of Rs. 2,500/- per month in favour of the applicant no. 1 and Rs.2,000/- per month each in favour of his minor sons i.e. applicant nos. 2 & 3 from the date of filing of the application. He next submits that in pursuance of the order of the Family Court dated 01.06.2022, opposite party no. 2 has not paid even a single penny to the applicants. Thereafter, applicants moved an application on 11.08.2022 under Section 128 Cr.P.C. for execution of the order dated 01.06.2022, which is pending since then and till today no money has been paid to the opposite party no. 2 as an interim maintenance.

4. Considered the arguments raised by counsel for the applicants and perused the entire record.

5. Under the facts of circumstances of the case, the Executing Court/ Principal Judge Family Court Room No. 2, Allahabad is

hereby directed to take appropriate steps to conclude the execution/recovery proceeding pending against the opposite party no. 2 in pursuance of the order passed by the learned court below on 01.06.2022, as expeditiously as possible, preferably, within a period of four months from the date of production of certified copy of this order, in accordance with law.

6. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 11.12.2023

Aditya