

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42356 of 2023

Applicant :- Rajkumar Agrawal

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

Counsel for Applicant :- Ayank Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant-husband is aggrieved against the summons dated September, 2023 issued by the Family Court in Case No. 587 of 2022, titled Smt. Rajni Agrawal vs. Raj Kumar Agrawal), wherein upon an application filed by the wife under Section 128 Cr.P.C., applicant has been called for appearance on 27th October, 2023.

Learned counsel submits that as a result of matrimonial dispute between the parties, his wife/opposite party no. 2 filed an application under Section 125 Cr.P.C. seeking maintenance for herself and her son and the said application was allowed vide order dated 2nd February, 2023, whereby monthly maintenance of Rs. 3500/- to the wife and Rs. 1500/- to the son was awarded. He submits that the order dated 2nd February, 2023 is already under challenge through petition bearing Criminal Revision No. 1655 of 2023 filed by the applicant and the same is pending adjudication before this Court. He submits that it would be in the interest of justice, if this case also tagged with the pending Criminal Revision No. 1655 of 2023.

During the course of hearing, it is not disputed by learned counsel that pursuant to the order dated 2nd February, 2023, the arrears of maintenance have increased to approximately a sum of Rs. 4 Lakhs which is from the date of the application moved by the wife, i.e. 26.3.2015.

After hearing the learned counsel and considering his submissions, this Court does not find any valid reason to entertain this petition as concededly the order awarding maintenance to the opposite party is operative and has not been stayed in the Criminal Revision No. 1655 of 2023. Further, the counsel for the applicant has failed to give any justifiable reason for not responding to the impugned summons issued on 29th September, 2023. Apparently the present petition is without any valid cause of action and for wasting the time of the Court, the applicant deserves to be saddled with cost. Resultantly the petition is dismissed with a cost of Rs. 10,000/- to be deposited in the account of High Court Legal Services Authority, Allahabad.

Order Date :- 30.11.2023/Brijesh