

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44369 of 2023

Applicant :- Smt Rehana Khatoon

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

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant- Smt Rehana Khatoon (wife) has approached this Court through this application under Section 482 Code of Criminal Procedure seeking directions for expediting the pending proceedings before the Principal Judge, Family Court, Gorakhpur relating to the application filed by the applicant under Section 128 Code of Criminal Procedure for execution of order dated 25.08.2022, whereby the monthly maintenance of Rs.5,000/- was awarded to her.

Learned counsel submits that the claim by the wife was raised in the year 2003 and at that time her children were minors and after a long period of 19 years a meagre sum of Rs.5,000/- has been awarded vide order dated 25.08.2022, which is under challenge through Criminal Revision No.4802 of 2022 and the applicant is yet to receive the awarded maintenance. He submits that as the proceedings are not making any headway, therefore, in these compelling circumstances, the applicant has approached this Court.

Upon hearing learned counsel for the applicant and

considering the above background, particularly the order dated 23rd November, 2022 passed in the above noticed criminal revision, it comes out that there is no interim stay either on the order dated 25th August, 2022 awarding maintenance or the execution proceedings initiated by the applicant under Section 128 of Code of Criminal Procedure, therefore, considering the nature of the claim, the application is disposed of with a direction to the trial court conclude the execution proceedings expeditiously, preferably, within a period of two months. The pendency of the revision petition shall not be treated as an impediment to the pending execution proceedings.

With these observations, the application is disposed of.

Order Date :- 5.12.2023

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