

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44390 of 2023

Applicant :- Smt. Shivani

Opposite Party :- State Of U.P. And 6 Others

Counsel for Applicant :- Anil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

The applicant being wife is aggrieved against delay in adjudication of her application seeking execution of the order dated 05.11.2022, whereby claim for maintenance in Case No.37/12/2023 of 2023, arising out of Case No.473 of 2012, titled Shivani Vs. Naveen, under Sections 12, 18, 20, 22 Domestic Violence Act, 2005, Police Station Hathras Gate, District Hathras was allowed by awarding her a sum of Rs.4,300/- per month w.e.f. from the date of the application.

Learned counsel for the applicant submits that the opposite party no.2, husband is deliberately avoiding the court proceedings and is neither paying the awarded maintenance nor contesting the execution, though he is regularly appearing in the criminal case pending before the same court, i.e. Case Crime No.171 of 2011, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961. He submits that the opposite party no.2 is a Government employee and application has already been filed by the wife for attachment of his salary, but even the said application is lying undecided.

Considering the submissions of the learned counsel for the applicant and the nature of the claim raised by the applicant, this application is disposed of with a direction to the Civil Judge (J.D.) F.T.C.-02, Hathras to decide the claim of the applicant expeditiously, preferably within a period of one month from the date of presentation of the certified copy of this order.

Order Date :- 5.12.2023R./