

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 340 of 2022

Petitioner :- Km. Simran Thru. Her Father Mahtab Alam

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Others

Counsel for Petitioner :- Alpana Yadav, Sukha Ram Shukla

Counsel for Respondent :- G.A., Mohd. Ghayasuddin Khan

Hon'ble Karunesh Singh Pawar, J.

List is being revised. None appears on behalf of the petitioner.

Learned AGA as well as Sri Ghayasuddin Khan, learned counsel for the private respondents is present.

This Court on 06.11.2023 has passed the following order:-

"1. Heard learned counsel for the petitioner who has filed rejoinder affidavit today which is taken on record, and learned Additional Government Advocate as also Mr. M.G. Khan, learned counsel for respondents 4 to 6 and 8 and 9 and perused the record.

2. A perusal of the counter affidavit filed on behalf of respondents shows that the Principal Judge, Family court, Lucknow in a proceeding under section 125 CrPC has passed an order with a direction to make payment of interim maintenance in favour of wife and minor daughter. The wife has already passed over as stated by the parties, however, the maintenance of Rs.500/- per month awarded to the minor daughter is stated to have not been paid by the deponent of the petition.

Learned counsel for the petitioner has disputed this contention.

3. As prayed, one week's time is allowed to the petitioner's counsel to file supplementary affidavit bringing on record total amount of maintenance paid by the deponent to the minor daughter/detenu Km. Simran in compliance of order passed by the Family Judge.

4. List on 29.11.2023."

Learned counsel for the petitioner submits that till date not a single penny has been given to the detenu in compliance of the order passed by the Family Court. He further submits that because of the order dated 06.11.2023, the petitioner is not appearing before this Court on repeated occasions.

Perused the record.

Perusal of the order sheet shows that on the last date also after the order dated 06.11.2023, an illness slip was given on behalf

of learned counsel for the petitioner. Today, the matter has been called twice. Even in the revised list, no one has appeared on behalf of the petitioner.

On due consideration to the order dated 06.11.2023 whereby the deponent was granted time to bring on record the total amount of maintenance paid to the detenue as well as to the order dated 29.11.2023 whereby the conditional order was passed that *"it is made clear that on the next date the matter shall not be adjourned at the instance of learned counsel for the petitioner"*, the petition is dismissed for want of prosecution.

Order Date :- 13.12.2023/R.C.