

Court No. - 28

Case :- APPLICATION U/S 483 No. - 646 of 2023

Applicant :- Smt. Rumana Khatoon

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Civil Sectt. Lko And Another

Counsel for Applicant :- Santosh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard Sri Sandeep Kumar Pandey, learned counsel for the applicant, Sri Nirmal Kumar Pandey, learned A.G.A. for the State and perused the record.

The instant application under section 483 Cr.P.C. has been filed with the prayer to direct the learned Civil Judge (Junior Division)/ F.T.C.-1, Ambedkar Nagar to decide the Execution Case No.226 of 2009 (Rumana Khatoon and another Versus Mohd. Qamar Khan) under Section- 31 of the Protection of Women from Domestic Violence Act, 2005, relating to Police Station- Jalalpur, District- Ambedkar Nagar, expeditiously, within the stipulated period as may be fixed by this Court.

Learned counsel appearing for the applicant submits that in the year 2008, the applicant along with her son, namely, Mohd. Shoeb filed a Complaint Case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the opposite party no.2 and his family members before the learned Chief Judicial Magistrate, Ambedkar Nagar, which was registered as Complaint Case No.480 of 2008. Then the opposite party no.2 got the said Complaint Case decided vide order dated 08.07.2008 on the basis of compromise dated 38.06.2008 but the opposite party no.2 did not follow the terms and conditions of the said compromise, thereafter, the applicant along with her son filed an Execution Case under Section 32 of the Protection of Women from Domestic Violence Act, 2005 which is pending before the learned Civil Judge (Junior Division)/ F.T.C.-1, Ambedkar Nagar which was registered as Execution Case No.226 of 2009 (Rumana Khatoon and another Versus Mohd. Qamar Khan) but, even after passing of about 14 years, the proceeding of the case has not been concluded as yet.

After arguing at length, learned counsel appearing for the applicant submits that interest of justice would be sub-served if this Hon'ble Court may be pleased to direct the trial court to

decide the matter within the stipulated period of time as may be fixed by this court.

Considering aforesaid innocuous prayer, the trial court is directed to consider and decide the Execution Case No.226 of 2009 (Rumana Khatoon and another Versus Mohd. Qamar Khan) under Section- 31 of the Protection of Women from Domestic Violence Act, 2005, relating to Police Station- Jalalpur, District- Ambedkar Nagar, with expedition, in accordance with law considering the instructions and guidelines issued by this Court, from time to time.

With the aforesaid observation, the instant application stands **disposed of.**

Order Date :- 11.10.2023

Manoj K.