

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5640 of 2023

Petitioner :- Syeda Areena Kashaf (Minor) Thru. Her Mother Nusba Siddiqui And Another

Respondent :- Principal Judge, Family Court, Lucknow And Another

Counsel for Petitioner :- Osama Ahmad Abbasi

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioners.

Notices to respondent no. 2 are dispensed with in view of the proposed order.

By this petition, the petitioners have prayed for the following relief:-

"Issue a order or direction in the nature of mandamus whereby directing the Respondent No.1 to take cognizance and decide on merits the Execution petition filed under section 128 CrPC by the petitioners on 27.07.2023, otherwise the petitioners shall suffer irreparable harm and injury."

Learned counsel for the petitioners submits that earlier, the petitioners had filed a maintenance case under section 125 Cr.P.C. before the Principal Judge, Family Court, Banda which was decreed vide order dated 04.02.2023. Thereafter for execution thereof, he has filed an execution petition before the Principal Judge, Family Court, Lucknow which is numbered as Execution Petition No. 1457/2023 "Syeda Areena Kashaf and another Vs. Amir Masood" and the same is pending since 27.07.2023, however, the learned Family Court, Lucknow is not passing any order on the said execution petition.

Perused the record.

On due consideration to the provisions of Section 128 Cr.P.C. as well as Section 18 (2) of Family Court's Act, 1984 as well as considering the innocuous prayer of the petitioner, the petition is ***disposed of*** with a direction to learned Family Court, Lucknow to pass appropriate order on the pending execution petition of the petitioner within one week from the date of receipt of certified copy of the order.

The Petitioner is directed to delete respondent no. 1 from the array of parties during course of the day.

Order Date :- 3.11.2023/R.C.