

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5844 of 2023

Petitioner :- Prachi Tandon

Respondent :- State Of U.P. Thru. Prin.Secy. Home And 3 Others

Counsel for Petitioner :- Sheel Nidhi Shukla, Shiv Darshan Shukla

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

Heard learned counsel for the petitioner and learned AGA for the State.

Notices to respondent no. 2 to 4 are dispensed with in view of the proposed order.

By this petition, the petitioner has prayed for the following relief:-

"Issue and order or direction commanding to trial court of ACJM (V) Lucknow disposed the interim maintenance application under section 23 of P.W.D.V. Act in case of Prachi Tandon and ors verses Rushil Tandon and ors case no- 232/2019 without any delay in the stipulated period."

Learned counsel for the petitioner submits that interim maintenance application filed by the petitioner is pending before the concerned Court since 02.03.2019. Meanwhile, the respondents have filed a transfer application before the District Judge.

It is further submitted that since the aforesaid transfer application is pending before the District Judge, the maintenance application filed by the petitioner has been adjourned. In support of his submission, he has shown copy of the order sheet 07.10.2023.

On due consideration to the submission advanced as well as perusal of the record, so also the provisions of Section 12(5) of Domestic Violence Act, 2005, in the interest of justice, it is provided that in case there is no stay order in the transfer application, the application for interim maintenance given by the petitioner be decided within 15 working days from the date of receipt of certified copy of this order and the main case shall be decided within a further period of six months which is provided under Section 12(5) of DV Act.

With these observations, the petition is disposed of.

Order Date :- 9.11.2023

R.C.