

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11482 of 2023

Applicant :- Shiv Kumar

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

Counsel for Applicant :- Balak Ram

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

The present petition has been filed for the following main relief:-

"(i) quash the impugned order dated 04.07.2023 passed by the Learned Civil Judge (J.N.) / F.T.C. (W) Faizabad, as well as order & Judgment dated 01.05.2019 passed by the Learned Add. Session Judge, First, Faizabad, in Crl. Appeal No. 09/2019, U / s - 29 of the Protection of Women from Domestic Act, 2005, P/ S - Raunahi, District - Faizabad, Shiv Kumar Vs Santosh Kumari & others, and order & Judgment dated 07.12.2013 passed by the learned Judicial Magistrate Third, Faizabad, in Complaint no. 709/2013 Santosh Kumari Vs Shiv Kumar has contained herewith as Annexure No.1, 2 & 3 to this petition."

Considering the facts of the case as also the submission made by learned Counsel for the applicant which are to the effect that the applicant has assailed the order dated 04.07.2023 passed by the Learned Civil Judge (J.N.) / F.T.C. (W) Faizabad, whereby the concerned court directed to issue non bailable warrant and also taking note of material available on record particularly that an order dated 07.12.2013 passed in Case No. 709/2013 (Santosh Kumari Versus Shiv Kumar), under Section 12 of Domestic Violence Act, 2005 Police Station Raunahi, District Faizabad, whereby the trial court namely Judicial Magistrate-III, Faizabad directed the applicant to pay rupees 3500/- per month as maintenance to the opposite party no. 2 and Abhishek Kumar and Vivek Kumar, sons of the applicant and opposite party no.2, and this order has already been affirmed by the judgment dated 01.05.2019 passed by Additional Sessions Judge, Court No. 1, District Faizabad in Criminal Appeal No. 9 of 2019 (Shiv Kumar Versus Santosh Kumari and Others) and till date the applicant has not paid any amount in terms of the order dated 07.12.2013, this Court is not inclined to entertain the present application for the main relief sought. Accordingly, it is **dismissed**.

Order Date :- 23.11.2023

Jyoti/-