

Court No. - 11

Case :- APPLICATION U/S 483 No. - 827 of 2023

Applicant :- Smt. Shashi Devi And 2 Others

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicants, learned AGA for the State of U.P. and perused the record.

By means of this application under Section 483 Cr.P.C., the applicants have sought the following main relief:-

"Wherefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direction be issued for expeditious disposal of Criminal Case No. 1236/2022 (Smt. Shashi Devi and others Versus Chandra Kumar), under section 127 (2) Cr.P.C. for enhancement of the maintenance, which is pending since 21.09.2022 pending before Principal Judge, Family Court, Court No.2, Sitapur as an earliest, within a stipulated period which this Hon'ble court may deem fit and proper in the interest of justice."

Considering the facts, as indicated, including that initially the trial court concerned in exercise of power under Section 125 Cr.P.C. awarded Rs. 2,000/- as maintenance to the applicants vide order dated 16.03.2019 passed in Case No. 740 of 2017 and as per this order, the applicant No. 1 is entitled to get Rs. 1,000/- per month & applicant Nos. 2 & 3, who are minors, are entitled to get Rs. 500/- each upto their marriageable age and the opposite party No. 2/Chandra Kumar, who is husband of applicant No. 1 and father of applicant Nos. 2 & 3, is getting a handsome amount per month as he is discharging his duties as Safai Karmi at Vikas Khand Maholi, District Sitapur and as per the observations of the Hon'ble Apex Court in the judgment passed in the case of **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy, (2017) 14 SCC 200**, the amount already awarded is meager amount and also that for enhancement of amount, the applicants have preferred an application under Section 127(2) Cr.P.C., which is pending as Case No. 1236 of 2022 (Smt. Shashi Devi and others vs. Chandra Kumar) since September, 2022, the present application

is disposed of with direction to the trial court to consider and decide the application, in issue, expeditiously say within a period of six months from the next date fixed in the case, if possible and if there is no other legal impediment in this regard.

With the aforesaid, the instant application under Section 483 Cr.P.C. is ***disposed of***.

Order Date :- 18.12.2023

Arun/-