

Court No. - 11

Case :- APPLICATION U/S 483 No. - 832 of 2023

Applicant :- Smt. Madhubala

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

Counsel for Applicant :- Manisha Trivedi, Vanshraj Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Heard.

2. In view of order proposed to be passed, notice to the private-opposite party is dispensed with.

3. Instant application has been filed for the following main reliefs:-

"direction be issued for expeditious disposal of Criminal Case No. 1095 of 2023 (Smt. Madhubala Vs. Amit Kumar), under Section 125(3) Cr.P.C., which is pending since 02.08.2023 pending before Additional 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."

4. For the purpose of seeking the relief, quoted above, it is stated by Ms. Manisha Trivedi, learned counsel for the applicant that in terms of the order dated 06.07.2023 passed in Criminal Case No. 146 of 2019 (Smt. Madhubala Vs. Amit Kumar) filed on 07.02.2019 under Section 125 Cr.P.C., the applicant is entitled to Rs. 4,000/- per month as maintenance and the total amount to which the applicant is entitled comes to Rs. 2,08,000/- i.e. the amount for the period w.e.f. the date of filing of the application dated 07.02.2019 till passing of the order dated 06.07.2023. However, till date, the opposite party no. 2 namely Anil Kumar (husband of the applicant) has not paid any amount and for this very reason, the applicant preferred an application under Section 125(3) Cr.P.C. which is pending as Case No. 1095 of 2023 (Smt. Madhubala Vs. Amit Kumar) and as no effective order has been passed till date, the present application for expeditious disposal of the case has been filed.

5. It is further stated that in the facts of the case, the indulgence of this Court is required. Prayer is to direct the Trial Court to conclude the proceedings expeditiously.

6. Considering the facts and circumstances of the case, this Court is of the view that no fruitful purpose will be served in keeping this application pending. Accordingly, this application is **disposed of** with a direction to the Additional Principal Judge, Family Court, Court No. 2, Sitapur to consider and decide the Criminal Case No. 1095 of 2023 (Smt. Madhubala Vs. Amit Kumar), most expeditiously, after affording full opportunity of hearing to the parties to the proceedings. To conclude the proceedings expeditiously, the Court shall avoid adjournments.

7. It is made clear that the Court has not examined the case of either party on merits and the Court concerned shall be free to decide the matter strictly in accordance with law.

Order Date :- 19.12.2023

Mohit Singh/-