

Court No. - 12

Case :- APPLICATION U/S 483 No. - 838 of 2023

Applicant :- Smt. Ashi Jain Alias Illu And 3 Others

Opposite Party :- The Learned Court Special Addl. Chief Judicial Magistrate Lko And Another

Counsel for Applicant :- Prabh Jot Kaur

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for applicants, learned A.G.A. and perused the record.
2. This application has been filed for directing Additional Chief Judicial Magistrate (A.P.), Lucknow to expedite the disposal of the Complaint Case No. 5728 of 2022 (Smt. Ashi Jain Vs. Vishal Jain) under Section 12 of Protection of Women from Domestic Violence Act along with interim maintenance application, within a stipulated period.
3. Learned counsel for the applicants submits that the case is pending since 2022 and only adjournments are being given in the matter. Learned counsel for the applicants also submits that it is obligatory on the part of the court below to conclude the proceedings and no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party. Submission of the learned counsel for the applicant is that even the interim maintenance application moved in the case is pending before the court below since 2022 and, therefore, the court below may be directed to expedite the proceeding of the aforesaid case.
4. Learned A.G.A. has no objection to the prayer for expeditious disposal of the aforesaid case.
5. In view of above, the court concerned is directed to decide the application for interim maintenance within two weeks from the date of production of a certified copy of this order.

The court below is also directed to decide the Complaint

Case No. 5728 of 2022 (supra) expeditiously strictly in accordance with law, without giving any unnecessary adjournment to either of the parties.

6. With the aforesaid observation/direction, this application is finally disposed of.

Order Date :- 21.12.2023

VKS