

Court No. - 5

Case :- APPLICATION U/S 483 No. - 440 of 2024

Applicant :- Shradha

Opposite Party :- Prin. Judge Family Court Lko. And Another

Counsel for Applicant :- Pankaj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Pankaj Singh, learned counsel for the applicant and learned AGA for the State.

2. The present application has been filed for the following relief:

"I. Issue writ or direction to the learned Principal Judge, Family Court, Lucknow to decide interim application for maintenance filed in Case No.971 of 2023 (Shradha & Ors. Vs. Lokesh Singh Chauhan) on the date fixed i.e. 02.07.2024.

II. Issue writ or direction to the learned Principal Judge, Family Court, Lucknow to decide Case No.971 of 2023 (Shradha & Ors. Vs. Lokesh Singh Chauhan) within a period of two months without availing adjournments to either of the parties."

3. Contention of learned counsel for the applicant is that applicant is the wife of opposite party no.2 and she had filed application for maintenance u/s 125 Cr.P.C. before the court of Principal Judge, Family Court, Lucknow, which is still pending for disposal because of the non-cooperation of the opposite party no.2 and the family court has been granting repeated adjournments at the behest of the opposite party no.2. For that reason, the proceeding u/s 125 Cr.P.C. could not be concluded. It is also submitted that along with the application u/s 125 Cr.P.C., the applicant had also filed an application for interim maintenance which is also pending for disposal for

more than one year.

4. Learned AGA could not dispute the aforesaid fact.

5. Considering the fact that present case for maintenance filed by the wife against her husband is pending for disposal because of the non-cooperation of the opposite party no.2 and court has not decided the application for interim maintenance. Though as per the direction of the Apex Court in the case of **Rajnesh Vs. Neha & Another** reported in **2021 (2) SCC 324**, application for interim maintenance should be decided, expeditiously, preferably within a period of four to six months, and proceeding for maintenance should be concluded, expeditiously.

6. In view of the above, present application is **disposed of** with a direction to the Principal Judge, Family Court, Lucknow to decide the Case No.971 of 2023 (Shradha & Ors. Vs. Lokesh Singh Chauhan), expeditiously, without giving any unnecessary adjournment to any of the parties, preferably within a period of six months.

7. It is further directed that the Principal Judge, Family Court, Lucknow, will decide the application of the applicant for interim maintenance, within a period of one year, from the date of receiving the copy of this order.

Order Date :- 27.6.2024

S.Chaurasia