Serial No. 54
Supplementary Cause List

IN THE HIGH COURT OF JAMMU& KASHMIR AND LADAKH AT SRINAGAR

CRM(M) 871/2026 CrlM(1995/2026)

Saboora Nazir

...Appellant(s)/Petitioner(s)

Through: -
Mr. I. Sofi, Advocate.

V/s

Ubaid Bashir Bhat

… Respondent(s)

Through: -
None.

CORAM:
HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE.

(ORDER)
23.10.2026

1. Heard the learned counsel for the petitioner in respect of the matter.
2. Impugned in this petition having been filed in terms of the Provisions of Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS for short) is the order dated 24.09.2026 passed by the Court of learned Principal Sessions Judge, Bandipora in the revision petition impugning the order dated 21.08.2026 passed by the learned Chief Judicial Magistrate, Bandipora, whereby the learned Magistrate awarded a monthly interim maintenance of Rs. 3,000/-in favour of the present petitioner pending disposal of the main maintenance petition.
3. It is *inter alia,* averred in this petition that the order dated 24.09.2026 passed by the learned Principal Sessions Judge, Bandipora, is running harsh against the petitioner who has been left beggared and destituted on the scrap of heap of society for want of her maintenance. That the

learned Magistrate had rightly on the sound principles of law, awarded the interim maintenance in favour of the petitioner especially keeping in view the subsisting relationship of wife and husband between the parties as also the needs of the petitioner, and the earning capacity of the respondent. That the interim maintenance order ought not to have been stayed by the learned Revisional Court.

4. The submissions of the learned counsel for the petitioner to the effect that firstly the interim order of maintenance ought not to have been stayed by the learned Revisional Court having regard to the facts and circumstances of the case especially the subsisting relationship between the parties and secondly in the event of stay of the same, the learned Revisional Forum was under a legal obligation to dispose of the revision petition on its merits within shortest possible time.
5. The order impugned in this petition dated 24.09.2026 has stayed the operation of interim maintenance order dated 21.08.2026 passed by the learned Chief Judicial Magistrate, Bandipora, owing to which fact the petitioner is supposed to be suffering for want of her maintenance.
6. The revision petition was, as such, meant to be disposed of within the shortest possible period.
7. In the facts and circumstance of the case, this court is of the opinion that it may meet the ends of justice in case the operation of the impugned order is stayed and the learned Revisional Court is directed to dispose of the revision petition after hearing the learned counsel for both the parties without any further delay.

8. Accordingly, the instant petition is **disposed of** by staying the operation of the impugned order, subject to the outcome of the pending revision petition with the further direction to the learned Revisional Court to hear and decide the revision petition within a period of two weeks, commencing from the next date of hearing of the Revision Petition.

9. **Disposed** of accordingly.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
October 23rd 2026
"Shoaib javid"