2026:AHC:208258

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4270 of 2026

Deevesh Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Umesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

This application under Section 529 BNSS has been filed seeking direction to the court concerned to decide the Maintenance Case No. 02 of 2025 (Deevesh Devi vs. Harendra @ Karan and others), under Section 144 BNSS, Police Station Dibai, District Bulandshahr, pending before the court of learned Civil Judge (Junior Division)/Gram Nyayalaya, Dibai, District Bulandshaha, expeditiously within stipulated period.

Learned counsel for the applicant submitted that on 06.01.2025, applicant filed a maintenance application under Section 144 BNSS. It is submitted that opposite party no. 2 is deliberately avoiding the maintenance proceedings to harass the applicant, leaving her on the verge of starvation.

Here, it would be relevant to note Section 144 B.N.S.S./125 Cr.P.C, which provides that:-

"*the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct.*

Further, it is also provided that *an application for the monthly allowance for the*

interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of ***within sixty days*** *from the date of the service of notice of the application to such person.*"

Considering the above facts and circumstances without expressing any opinion on the merits of the case, this application is finally **disposed of** with a direction to the court concerned to decide the application for maintenance, keeping in view the provisions provided under Section 144 BNSS regarding the interim maintenance and application for maintenance in accordance with law, without granting any unnecessary or long adjournments to the parties as expeditiously as possible, preferably within a period of nine months from the date of production of a certified copy of this order, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

October 6, 2026
Brijesh

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad