2026:AHC:208690

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4435 of 2026

Seeta Patel

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sharma Shashank, Sudarshan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

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

2. This application under Section 529 BNSS has been filed seeking direction to the court concerned to decide the Case No. 988 of 2023 (Seeta Patel vs. Sunil Patel), under Section 125 Cr.P.C., Police Station Cholapur, District Varanasi pending before the court of Addl. Family Court Judge-I, Varanasi within stipulated period.

3. Learned counsel for the applicant submitted that on 10.10.2023 an application under Section 125 Cr.P.C./144 BNSS has been filed, which is still pending.

4. Here, it would be relevant to note that Section 144 B.N.S.S./125 Cr.P.C 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."

5. 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 interim maintenance, if any, keeping in view the provisions provided under Section 125 Cr.P.C./144 BNSS regarding the interim maintenance and thereafter application for maintenance in accordance with law, as expeditiously as possible, preferably within a period of nine months from the date of production of a certified copy of this order, without granting any unnecessary or long adjournments to the parties, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

October 6, 2026
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad