2026:AHC:208413

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4424 of 2026

Smt Sudha Dwivedi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Anuj Agarwal, Rahul Agarwal, Riya Shukla

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. 28/IX of 2022 (Smt. Sudha Dwivedi vs. Atul Dwivedi), under Section 125 Cr.P.C., Police Station Tindwari, District Banda pending before the court of Principal Judge, Family Court, Banda within stipulated period.

3. Learned counsel for the applicant submitted that on 19.01.2022 an application under Section 125 Cr.P.C. has been filed on behalf of applicant, 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 six 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