2026:AHC:210635

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 4803 of 2026

Smt Kavita And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard Sri Subhash Singh holding brief of Sri Pavan Kumar Mishra, learned counsel for the applicants 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 Case No. 461 of 2022 (Smt. Kavita vs. Prahalad), under Section 128 Cr.P.C., Police Station Kairana, District Shamli, pending before the court of learned Principal Judge/Family Court, Shamli at Kairana, within stipulated period.

Learned counsel for the applicants submits that applicant no. 1 instituted an application under Section 125 Cr.P.C. before the learned Principal Judge, Family Court, Shamli at Kairana, against opposite party no. 2 seeking maintenance for herself and her minor son. The said application was allowed by the learned court concerned vide order dated 16.09.2022, whereby maintenance of Rs. 5,000/- per month was awarded to applicant no. 1 and Rs. 2,000/- per month to her son. It is further submitted that in order to recover the maintenance amount, the applicants moved an application under Section 128 Cr.P.C. before the learned court concerned. Pursuant thereto, the learned court issued recovery process against opposite party no. 2 on 09.01.2023. However, despite issuance of the said process, opposite party no. 2 has neither appeared before the learned court below nor complied with the order of maintenance. The applicants have been regularly appearing before the learned court below on each and

every date fixed, whereas opposite party no. 2 has failed to appear and has not taken any steps towards compliance of the order dated 16.09.2022. It is submitted that the proceedings under Section 128 Cr.P.C. have remained pending since then, causing serious hardship and prejudice to the applicants, who are legally entitled to receive the maintenance awarded to them. In view of the aforesaid facts and circumstances, it is, therefore, prayed that this Court may graciously be pleased to direct the learned Principal Judge, Family Court, Shamli at Kairana, to consider and decide the pending proceedings under Section 128 Cr.P.C. expeditiously.

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 filed under Section 128 Cr.P.C., in accordance with law, without granting any unnecessary or long adjournments to the parties as expeditiously as possible, preferably within a period of six 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 7, 2026
Brijesh

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