HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 5812 of 2026

Smt. Gausiya Khatoon

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Krishna
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 Case No. 132 of 2022 (Smt Gausiya Khatoon vs. Mubarak Ali), under Section 125 Cr.P.C., Police Station Chakeri, District Kanpur Nagar, pending before the court of learned Principal Judge, Family Court, Kanpur Nagar, expeditiously within stipulated period.

Learned counsel for the applicant submitted that on 28.1.2022, applicant filed an application under Section 125 Cr.P.C., since then more than three three years were elapsed and the matter is still pending.

Here, it would be relevant to note Section 125 Cr.P.C./144 in Bharatiya Nagarik Suraksha Sanhita, 2023, which provides that:

"Provided further 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:

It is further provided also 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 interim maintenance if any, as well as the aforesaid case, keeping in view the provisions provided under Section 125Cr.P.C./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 one year from the date of production of a certified copy of this order, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

October 28, 2026
Brijesh

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