2026:AHC:213037

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**APPLICATION U/S 529 BNSS No. - 4879 of 2026**

Smt. Ushma And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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Counsel for Applicant(s) : Brahmsukh Pal, Mani Shanker Pandey
Counsel for Opposite Party(s) : G.A.

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**Court No. - 82**

**HON'BLE JAI PRAKASH TIWARI, J.**

Heard 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 Misc. Case No. 627 of 2025 (Smt. Usma and another vs. Abhishek Pal), under Section 125(3) Cr.P.C./144(3) BNSS in Maintenance Case No. 901 of 2022, under Section 125 Cr.P.C., Police Station Nandgram, District Ghaziabad, pending before the court of Additional Principal Judge, Family Court, Ghaziabad, expeditiously within stipulated period.

It is submitted by learned counsel for the applicants that applicant No. 1 instituted a case under Section 125 Cr.P.C. against opposite party No. 2 on 19.09.2022. Notices were duly served upon opposite party No. 2; however, vide order dated 23.03.2023, the learned court concerned directed that the maintenance proceedings be heard ex parte. Subsequently, on 06.02.2024, opposite party No. 2 moved an application for recall of the aforesaid order, which was allowed upon payment of costs of Rs. 2,000/-, and the ex parte order dated 23.03.2023 was recalled. Thereafter, opposite party No. 2 filed his written statement. It is further submitted that, upon consideration of the application for interim maintenance and the submissions of both parties, the learned court concerned directed opposite party No. 2 to pay interim maintenance at the rate of Rs. 3,000/- per month to applicant No. 1 and Rs. 2,000/- per month

to minor applicant No. 2, with effect from the date of filing of the application for interim maintenance. The applicants thereafter initiated execution proceedings under Section 125(3) Cr.P.C./Section 144(3) BNSS for recovery of the arrears of interim maintenance. However, no amount has been recovered to date, and the aforesaid miscellaneous case remains pending consideration since 30.6.2025 before the learned court concerned.

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 to decide the Misc. Case No. 627 of 2025 (Smt. Usma and another vs. Abhishek Pal), under Section 125(3) Cr.P.C./144(3) BNSS for recovery of interim maintenance, in accordance with law, without granting any unnecessary or long adjournments to the parties as expeditiously as possible, preferably within a period of three 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 9, 2026**
Brijesh

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