
(2015) 01 UK CK 0032

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 101 of 2012

Chandrawati Tiwari

APPELLANT

Vs

Srikant Tiwari and Others

RESPONDENT

Date of Decision : 20-01-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2015) 1 NCC 274

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : M.K. Goyal, for the Appellant

Final Decision : Disposed off

Judgement

Sudhanshu Dhulia, J.

1. An application under Section 125 of Cr.P.C. has been filed by the wife/petitioner for maintenance before the Judge, Family Court, Haridwar, which is still pending before the court concerned. During the pendency of the said application, an interim relief application has been filed by the petitioner, which was rejected by the Family Court on 05.11.2011. The court has come to the conclusion that the matter is already fixed for evidence and applicant is not liable to be given an interim maintenance at this stage. However, in the said order, the court has also made certain observations, which amounts to predetermination of the case, submits the petitioner. The husband/respondent is being represented by Mr. Lok Pal Singh, Advocate but in spite of repeated opportunities no counter affidavit has been filed as yet. Moreover, today no one is representing respondent before the Court. Therefore, the matter proceeds ex-parte against the respondent.

2. The order dated 05.11.2011, which is annexure No. 5 to the writ petition, has been perused by which the application of the petitioner/wife for interim maintenance has been rejected. The matter is still pending before the Family Court. The writ petition is disposed of with the direction to the Family Court,

Haridwar to expedite the hearing on the original 2 application under Section 125 Cr.P.C. of the petitioner, which is pending before it. It is further made clear that the court shall dispose of the matter without being prejudiced by any of the observation made by it in the earlier order dated 05.11.2011 and pass an order as expeditiously as possible but definitely within a period of three months from the date of production of a certified copy of this order. Writ petition stands disposed, accordingly. No order as to costs.