
(2013) 12 AHC CK 0134
In the Allahabad High Court
Case No : H.C.W.P. No. 4583 of 2013

Smt. Gudiya and Another

APPELLANT

Vs

State of U.P. and Other

RESPONDENT

Date of Decision : 11-12-2013

Acts Referred:

Citation : (2014) 1 ACR 1084 : (2014) 102 ALR 541

Hon'ble Judges : Kalimullah Khan, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Kalimullah Khan, J.—Heard learned Counsel for the parties and perused the record. Learned A.G.A. Sri Ashutosh Kumar Tripathi has filed affidavit sworn by Nand Prakash Maurya Tehsildar Sadar, District-Allahabad. In para 6 of the said affidavit, it has been contended that the order dated 5.4.2013 and 10.5.2013 passed by this Court has already been complied with.

2. Learned Counsel for the respondent No. 4 does not dispute the aforesaid fact.

3. Before parting with this writ petition, it appears essential in the interest of justice to point out something relevant in this matter and pass suitable orders in the ends of justice. Petitioner Rajendra Kumar Saroj has filed this writ petition of habeas corpus on false grounds only to harass his wife Smt. Neeta Bhartiya and two minor children below three years of age born out of this wedlock. The corpus Smt. Neeta Bhartiya alongwith two minor children and her old father (respondent No. 4) appeared in the Court and stated that her father had not illegally detained her and her two minor children rather on being tortured continuously by her husband petitioner Rajendra Kumar Saroj who used to practice cruelty on one pretext or the other upon her and took shelter at her Maika in the house of her father and her husband did not pay even a single penny towards their maintenance. He is Government employee and is presently posted as a clerk in Government Press at Allahabad as he himself deposed this fact in his affidavit

sworn by him and filed on 23.1.2013 in this writ petition Her father (respondent No. 4) is a poor old man and he has no sufficient means to maintain the corpus Smt. Neeta Bhartiya and her children. At present more than one year has elapsed but her husband is not taking care for them in the matter of their maintenance.

4. The corpus Smt. Neeta Bhartiya and her both minor children have already been set at liberty and petitioner Rajendra Kumar Saroj has already been imposed cost Rs. 50,000/- for filing the petition on false grounds apart from Rs. 15,000/- as expenses incurred by his wife alongwith children and respondent No. 4, her father in attending the Court.

5. Petitioner Rajendra Kumar Saroj has stated that he has already filed a petition for restitution of his conjugal right and he is ready and willing to keep his wife and her children with him.

6. In the totality of facts and circumstances of the case, it appears essential in the interest of justice to direct petitioner Rajendra Kumar Saroj to pay monthly allowance of Rs. 5,000/- to his wife Smt. Neeta Bhartiya for her maintenance and also for the maintenance of her two minor children till any other competent Court of law awards any maintenance to them.

7. Accordingly, this petition of habeas corpus stands disposed of with the direction that the petitioner Rajendra Kumar Saroj shall pay Rs. 5,000/- per month to his wife Smt. Neeta Bharatiya for her and her children's maintenance till they are awarded maintenance by any other competent Court of law. D.D.O. Government Press Allahabad is directed to deduct Rs. 5,000/- per month plus money order charges from the salary of petitioner Rajendra Kumar Saroj S/o. late Sunder Lal R/o 84 Nayapura Stanly Road, P.S. Shivkuti, District-Allahabad and send it through money orders to Smt. Neeta Bhartiya D/o. Ram Prasad Bharatiya R/o. 1563 Kidwai Nagar Allapur, Police Station-George Town, Allahabad month to month.