

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2069/2024

1. Shenaz W/o Shri Mohd. Asif, Aged About 31 Years, D/o Shri Mohd. Farooq, R/o Near Silawato Masjid, Masuriya, Jodhpur (Raj.).
2. Master Hussain S/o Shri Mohd. Asif, Aged About 9 Years, Through Her Natural Guardian His Mother Smt. Shenaz, R/o Near Silawato Masjid, Masuriya, Jodhpur (Raj.).

----Petitioners

Versus

Mohd. Asif S/o Shri Abdul Hamid, Aged About 46 Years, R/o Gali No.12, Near Faize Aam Masjid, Pratap Nagar, Jodhpur (Raj.).

----Respondent

For Petitioner(s)	:	Mr. Anupam Gopal Vyas for Mr. Haider Agha
For Respondent(s)	:	-

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

17/07/2025

The instant criminal misc. petition under Section 528 BNSS has been filed by the petitioners seeking following reliefs:

"Therefore, in the light of facts stated issues raised and arguments advanced it is most humbly prayed before this Hon'ble Court that:

a. The present criminal Misc. Petition may be allowed by this Hon'ble Court.

b. The order dated 07.02.2024 passed by the Judge, Family Court No.3, Jodhpur (Raj.) in Criminal Original Case No.242/2022 titled as [Smt. Shenaz & Anr. Vs. Mohd. Asif] may be modified to the extent that the quantum of interim maintenance may be enhanced from Rs.8,000/- per month to Rs.25,000/- per month.

c. Cost of this petition and other legal expenses may be awarded in favour of the present petitioners.

d. Any other order which this Court deem fit in the ends of equity and justice may be passed in favour of the petitioners."

Having perused the impugned order dated 7.2.2024, this Court finds that learned Judge, Family Court No.3, Jodhpur by a detailed order after considering income and expenditure of the respondent, who is a Railways Employee, has awarded interim maintenance to the tune of Rs.5000/- and Rs.3000/- respectively in favour of petitioners No.1 and 2.

The present petition is pending before this Court from last more than one year. This Court in view thereof, instead of interfering with the impugned order granting interim maintenance in favour of the petitioners, deems it just and appropriate to dispose of the instant criminal misc. petition with a direction to the learned Judge, Family Court No.3, Jodhpur to finally decide the application filed by the petitioners seeking maintenance as early as possible preferably within a period of five months from the date of receipt of this order, if not already decided.

The instant criminal misc. petition is disposed of accordingly.

The stay petition also stands dismissed.

(KULDEEP MATHUR),J