



2026:AHC:57423

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2939 of 2026

Ramjan Mohammad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Singh, Preeti Dwivedi
Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed with a prayer to quash the impugned order dated 29.07.2025 passed by learned Additional Principal Judge, Family Court No.3, Varanasi in Misc. Case No. 941 of 2024 (Shahnaz Bano v. Ramjan Mohammad) under Section 144 BNSS, Police Station-Sigra, District-Varanasi.
3. It has been submitted by learned counsel for the applicant that in a proceeding under Section 125 Cr.P.C. initiated by the opposite party No. 2, an ex-parte order dated 13.08.2024 was passed directing the applicant to pay the monthly allowance of Rs. 35,000/- to the opposite party No. 2 and the minor child.
4. Aggrieved by an ex-parte order, the applicant moved a recall application under Section 144 BNSS, which was rejected.
5. Accordingly, in the interest of justice, the order dated 29.07.2025 is hereby set aside subject to deposit of cost of Rs. 5,000/- to be deposited by the applicant to opposite party No. 2 within a period of three weeks from the date of the order and court concerned is directed to consider and decide the matter as expeditiously as possible, after affording opportunity of hearing to both the parties.

6. With the aforesaid direction, the application u/s 528 BNSS is, accordingly, ***allowed.***

(Nand Prabha Shukla,J.)

March 19, 2026

Aditya Tripathi