



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 1171 of 2026

Sharma Devi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Jitendra Kumar Upadhyay, Sweta Rai
Counsel for Opposite Party(s) : G.A.

Court No. - 50

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard learned counsel for the applicant and learned Additional Government Advocate for the State.
2. By means of this application, the only prayer made by the applicant is that a direction be issued to the court of Principal Judge, Family Court, Ghazipur to decide the Criminal Execution Case No.887 of 2019, 196 of 2021, 148 of 2022 under Section 128 Cr.P.C. (Sharma Devi Vs. Subedar) pending before him, expeditiously within a short stipulated period.
3. Learned counsel for the appellant submits that appellant is wife of the opposite party no.2 and appellant has moved an application under Section 125 Cr.P.C. on 18.6.2002 and the court below vide its order dated 4.10.2007 awarded interim maintenance of Rs.1,500/- per month in favour of the appellant and opposite party no.2 has paid the interim maintenance for to the applicant for some days, thereafter, applicant moved an application under Section 128 Cr.P.C. for recovery of interim maintenance, but till date, no single penny has been paid to the appellant. Learned counsel for the applicant submits that earlier the applicant has approached this Court in Application U/S 482 No. 25710 of 2019 and this Court vide order dated 5.7.2019 disposed of the same directing the Court below to decide the execution case within two monthhs in accordance with law, if there is no other legal impediment. Learned counsel for the applicant further submits that applicant has served copy of order dated 5.7.2019 upon the court below but till date, the court below has not

complied with the order dated 5.7.2019 passed by this Court.

4. Considering the facts of the case but without expressing any opinion on the merits of the applicant's case, court concerned is directed to decide the aforesaid case on day to day basis, in accordance with law, within a period of **two months** from the date of production of certified copy of this order, without granting adjournments to either of the parties and in case, either of the parties seeks adjournment, the court below is free to impose heavy cost upon them.

5. It is made clear that in case, the court below is failed to decide the same within the aforesaid period, the concerned court is directed to appear before this in person and explain as to why the aforesaid case has not been decided within the aforesaid period.

6. List this case after two months.

(Shekhar Kumar Yadav,J.)

March 19, 2026

Krishna*