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SLP(C)No. 20361-20362 OF 2000

ITEM No.1

Court No.10

SECTION XI

A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.20361-20362/2000

(From the Judgment and Order dated 17/4/2000 in WP 183 (M/S) of 1994 and dated 2/5/2000 RP 104 (W) of 2000 in WP 183 (M/S) of 1994 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH AT LUCKNOW)

ALIYA BEGUM

Petitioner (s)

VERSUS

GAUSHIYA KHAN & ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T. and with prayer for interim relief)

(For final disposal)

Date : 04/12/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Raju Ramachandran, Sr. Adv.
Mr. Aseem Mehrotra, Adv.
Mr. L.N. Nigam, Adv.
for Mr. Abhijat P. Medh, Adv.

For Respondent (s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. N.K. Seth, Adv.
Ms. Geetanjali Mohan, Adv.

Mr. S. Muralidhar, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The special leave petitions are disposed of in terms of the signed order.

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Sarita (Radha Rani Bhatia)@
AA
Court Master@
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(Signed order is placed on the file)

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.PL56

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 20361-20362 OF 2000@@
CC

ALIYA BEGUM . . .PETITIONER

VERSUS

GAUSHIYA KHAN & ORS. . .RESPONDENTS

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
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These special leave petitions, filed by a defendant in a suit for partition and accounts and other reliefs, put in issue an interim order of maintenance. The parties are governed by Muslim Law. The suit is pending since 1989. The progress of the suit has been only upto the framing of the issues. However, now the suit can be expected to be expeditiously heard and decided. In our opinion, it would meet the ends of justice if, without expressing any opinion on the merits of the pleas raised by either of the parties, the trial court is directed to expeditiously dispose of the suit and in the meantime, some interim arrangement is made in the matter of maintenance keeping in view the several orders made upto this stage by the trial court, by the High Court and also by this Court on 24/2/1997 when the matter had come up before this Court laying challenge to an interim order passed by the High Court by both the parties.
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Accordingly, the petitions are disposed of in terms of the following directions :-

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1. The trial court shall expeditiously dispose of the suit by posting it for trial at an early date and dispose of the same as early as practicable and in any case, within a period of six months from the date of communication of this order.
2. All the arrears of maintenance upto 30th November, 2001 calculated @Rs.2500/- per month shall be cleared by the petitioner by depositing the same in the trial court, for payment to the respondents, within a period of four weeks from today.
3. Maintenance with effect from 1st December, 2001 shall be paid @3500/- per month on or before the 15th day of each succeeding month.
4. In the event of the suit not being decided within a period of six months for any fortuitous circumstances, or in the event of the litigation continuing even after the decision of the suit, either party will be at liberty to move the court seized of the lis for varying the amount of maintenance.

..3/-

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The petitions stand disposed of accordingly. We make it clear that we have not gone into the merits of the case and this order shall not be construed as any expression of opinion on the pleas raised by any of the parties.

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.....J.
(R.C. LAHOTI)

New Delhi,
December 04, 2001.

.....J.
(BRIJESH KUMAR)