

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).3638/2007

(From the judgement and order dated 15.3.2007 in C.P. 2960/2002 of The
HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHAIL Petitioner(s)

VERSUS

MANOJ KUMAR YADAV & ANR. Respondent(s)

(With appln. for directions and office report)

Date: 10/09/2007 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) In Person

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

We have heard the petitioner appearing in person.

Aggrieved by the order passed by the High Court, the
petitioner-wife has filed this petition.

From the record, it is clear that an application is filed by
the wife under Section 127 of the Code of Criminal Procedure,
1973 for enhancement of amount. Earlier, the petitioner has
approached this Court by invoking Article 32 of the Constitution
but this court felt that it would be appropriate if the petitioner will
invoke appropriate jurisdiction in appropriate Court.

It is stated that the Family Court was not deciding the
application. It also appears that the High Court has passed the
order on August 21, 2006 (Page-15)
that the Family Court will decide the application expeditiously. It
was also stated that within three months, it should be disposed of.

It appears that the Family Court has not decided the said
matter. A period of more than one year has elapsed. We had
issued notice but as per the office report, notice was not served and
it has come back with the postal remarks "Receiver is on leave as
informed in his office, hence returned." Since, we are not passing
any effective order against the respondent-husband, in our opinion,
it would not be necessary to wait for service.

On the facts and in the circumstances, we direct the Family
Court, Kanpur Nagar to decide the application filed by the
petitioner-wife as expeditiously as possible and in any case before
31st October, 2007.

The special leave petition is disposed of.

Court Master

Court Master