

AFR**Reserved****Court No. - 76****Case :-** CRIMINAL REVISION No. - 4171 of 2024**Revisionist :-** Nirmal Kumar Fukan**Opposite Party :-** State Of Up And 3 Others**Counsel for Revisionist :-** Arvind Kumar Pandey, Beerendra Singh Pal, Giri Ram Rawat, Rajesh Kumar, Sunil Kumar**Counsel for Opposite Party :-** G.A., Mukesh Kumar Pandey, Sudhir Mehrotra**Hon'ble Vinod Diwakar, J.**

1. Heard learned counsel for the revisionist-husband, Shri Sudhir Mehrotra, learned *Amicus-Curiae*, learned A.G.A. for the State-respondent, and perused the record.
2. The revisionist husband has preferred the instant revision, assailing the legality and validity of the impugned order dated 19.01.2024, passed by the learned Principal Judge, Family Court, Auraiya in Case No. 172 of 2023, under section 125 Cr. P.C.
3. Both, revisionist-husband and respondent-wife, were directed to file an affidavit of *Assets and Liabilities* as mandated in ***Rajesh v. Neha & Anr***,¹ disclosing all sources of income.
4. At the outset, among other arguments, the learned counsel for the revisionist contended that the entire proceedings initiated by the respondent-wife and the procedure adopted by the learned Principal Judge, Family Court, Auraiya, contravene the judgments in ***Rajesh v. Neha case (supra)*** and ***Smt. Parul Tyagi v. Gaurav Tyagi***². The learned counsel further asserted that the learned Principal Judge of the

¹ (2021) 2 SCC 324

² (2023) SCC OnLine All 2684

Family Court failed to adhere to the mandated procedures outlined in these judgments, thereby rendering the entire proceedings procedurally flawed and legally unsustainable.

5. The learned A.G.A. submits that the learned Principal Judge of the Family Court has not only committed contempt of its own Court by wilfully disregarding the Supreme Court's mandate in ***Rajnish v. Neha case (supra)***, and this Court in ***Smt. Parul Tyagi v. Gaurav Tyagi case (supra)***, has also undermined judicial propriety. This is against the rule of law. Learned A.G.A. further stated that both judgments were widely circulated to all Family Courts within the territorial jurisdiction of Uttar Pradesh to ensure compliance and awareness, still the same have not been followed.

6. This Court, in receipt of a letter dated 10.11.2023 from the Secretary-General, Supreme Court of India, in compliance with the direction dated 06.11.2023, passed by the Supreme Court ³, recirculated the ***Rajnish v. Neha case (supra)***. It shall also be displayed on the websites of all the District Courts/Family Courts/Courts of Judicial Magistrate for awareness and implementation.

7. Accordingly, as per provision of Rule 4 (C) (10) of Chapter III of the Rules of the Court, 1952, the Administrative Committee of this Court issued a circular and a copy of ***Rajnish v. Neha case (supra)*** and ***Aditi @ Mithi v. Jitesh Sharma case (supra)*** was sent to all the District Judges, Principal Judges of the Family Courts, Presiding Officers of MACTs, LARRAs, and the Commercial Courts for onward circulation amongst all the Judicial Officers working under their kind control for information and necessary compliance.

8. In the light of the foregoing discussions, learned Principal Judge, Family Court, Auraiya was called upon to submit a report

³ *In Criminal Appeal No.3446 of 2023, arising out of SLP Crl No.11954, titled as Aditi @ Mithi v. Jitesh Sharma*

about the compliance of above-referred judgments, passed by the Supreme Court and this Court; learned Principal Judge, Family Court, Auraiya was also directed to explain as to why the mandate of ***Rajnish v. Neha case (supra) and Smt. Parul Tyagi v. Gaurav Tyagi case (supra)*** was not followed while deciding Case No. 172 of 2023, under Section 125 Cr.P.C; and was further directed to file a copy of the last 25 judgments/orders, passed in the application under Section 125 Cr.P.C, needless to say, the orders shall be either deciding interim maintenance or final award of maintenance through Registrar General of this Court in a sealed cover.

9. In view of this Court's order, the learned judge submitted copies of 25 judgments. Upon perusal, the judgments were found to be satisfactory. It appears that, following this Court's order, a sense of propriety may have prevailed upon the learned judge.

10. Parting with the facts of the instance case, this is not the first case in which this Court has noticed non-compliance with the above-referred judgments. This Court has observed that circulations of judgments on the direction of Hon'ble Supreme Court by this Court have a little effect on the working of the trial Courts, despite regular training and sensitization programmes by the Judicial Training and Research Institute, Lucknow, it is out of the understanding of this Court why the Judicial Officers are failed to understand the consequences of non-compliance of the orders, passed by the Constitutional Courts even though, it is premature to come to any conclusion as of now. Therefore, this Court directed all the learned Principal Judges, Family Courts established under the territorial jurisdiction of this Court, to file a compliance report in view of the ***Rajnish v. Neha case (supra)*** and ***Smt. Parul Tyagi v. Gaurav Tyagi case (supra)*** in a sealed cover of their own Court, along with all the Family Courts working under their supervision and control.

11. This Court feels compelled to express its concern about summoning such a report on the judicial side. This Court is aware that this action may negatively impact the morale of Judicial Officers. However, for the effective and consistent implementation of the Supreme Court's directives, this Court has no option but to monitor the Family Courts so far as the implementation of the judgments is concerned. Despite issuing numerous orders to the learned Principal Judge of Family Courts individually, widely circulating the judgments of the Hon'ble Supreme Court, and conducting training programs by JTRI in Lucknow, as well as seminars on Family Court Sensitisation by the Sensitisation of Family Courts Committee, this Court have observed minimal impact in practice.

12. The Registrar (Compliance) was directed to transmit a copy of the order to all the Principal Judges, Family Court of Uttar Pradesh, for effective and speedy compliance. The report shall be submitted in a sealed cover to this Court through the learned Registrar General.

13. In compliance with the order dated 23.05.2024, Compliance Reports from the office of 48 learned Principal Family Court Judges out of 74 Family Courts have been received. The essence of all the reports is, more or less, same that the learned Family Courts are making efforts to ensure the compliance of *Rajnesh v. Neha & Anr (supra)*, *Aditi @ Mithi v. Jitesh Sharma (supra)* and *Smt. Parul Tyagi v. Gaurav Tyagi (supra)*. The Compliance Reports have not been found in conformity with the judgements referred to hereinabove.

14. The Registrar General of this Court again directed that the compliance report shall ensure compliance with the terms of the judgments referred to hereinabove, both in letter and spirit, particularly *paragraphs 87 to 90 of Smt. Parul Tyagi case (supra)*. It shall also include the details of each case pending disposal under

Section 125 Cr.P.C. before the Family Courts in tabular form from all the learned Family Courts situated within the territorial jurisdiction of Uttar Pradesh in the following format.

Sr. No.	Date of filing of application under section 125 Cr.P.C.	Number of times case is listed before the Family Court	Date of interim maintenance order, if any	Date of final maintenance order, if any	Present status of the case
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15. On the earlier occasions as well, this Court had directed all the learned Principal Judges, Family Courts discharging judicial function under the territorial jurisdiction of this Court, to file a compliance report in view of the *Rajnesh v. Neha & Anr's case (supra)* and *Smt. Parul Tyagi v. Gaurav Tyagi's case (supra)*.

16. Dissatisfied with the compliance of the order dated 23.05.2024, this Court issued a fresh order on 10.06.2024 and directed the Registrar General of this Court to ensure the compliance with the terms of judgments referred to herein above, both in letter and spirit, particularly **para 87 to 90** of *Smt. Parul Tyagi's case (supra)* in a tabular form as detailed in the judgment dated 10.06.2024.

17. From a perusal of the office report dated 06.07.2024, it revealed that 47 out of 74 learned Principal Judges, Family Courts sent the records in compliance with the order dated 10.06.2024, the rest of the learned Judges, except two, who sought time to comply the terms of order dated 10.06.2024, did not even bother to request for a time to comply with the order passed by the Constitutional Court. It was expected that all the learned Principal Judges of Family Courts to send a report in a seriatim of each court separately, but the same approach has not been adopted, for the reasons best known to them. It is

premature to comment on their functioning, sensitivity towards the cause and regard for the rule of law.

18. In this background, this Court again directed all Principal Judges of Family Courts of Uttar Pradesh to comply with the terms of the order dated 10.6.2024, both in letter and spirit. It was further directed that the learned Principal Judges of family Courts shall ensure that the details are sent court-wise separately in a seriatim [oldest case to the latest case].

19. Shri Mehrotra, learned *Amicus Curiae* for the Court, suggested that an explanation be called from the respective principal judges, Family Courts, who still need to comply with the terms of the order dated 10.06.2024, despite having sufficient time. This Court thought that seeking an explanation at first instance would not serve the purpose of calling for the records. Therefore, one more opportunity was granted to all the learned Principal Judges, Family Courts, to think and introspect about their duty, role, and assigned responsibility towards the chair they are holding for fulfilling the Constitutional mandate, and to comply with the terms of the order dated 10.06.2024.

20. In brief, the empirical data furnished by learned Family Court Judges could be summarized as follows: [Since oldest to August 2024]

(1) A brief of compliance report from District Agra

The report submitted by the learned Principal Judge of the family Court indicates that 1433 cases are currently pending. Of these, interim maintenance has been granted in 84 cases, and 1 case has been finally decided. The oldest pending case dates back to 2013.

(2) A brief of compliance report from District Aligarh

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1019 cases are currently pending. Out of these, interim maintenance has been granted in 93 cases, and 110 cases have

been finally decided. Notably, one case each from the years 2014, 2015, and 2016 remains pending. On average, a case filed in the year 2017 has been listed approximately 70 times. Similarly, a case filed in the year 2022 has been listed around 20 times. The oldest pending case dates back to the year 2015.

(2) The report submitted by the learned Additional Principal Judge, Family Court No.01, indicates that a total of 460 cases are currently pending. Out of these, interim maintenance has been granted in 14 cases, and 28 cases have been finally decided. On average, a case filed in the year 2017 has been listed approximately 80 times. Similarly, a case filed in the year 2022 has been listed around 20 times. The oldest pending case dates back to the year 2017.

(3) The report submitted by the learned Additional Principal Judge, Family Court No.02, indicates that a total of 495 cases are currently pending. Out of these, interim maintenance has been granted in 63 cases, and 46 cases have been finally decided. The oldest pending case dates back to the year 2017.

(4) The report submitted by the learned Additional Principal Judge, Family Court No.03, indicates that a total of 580 cases are currently pending. Out of these, interim maintenance has been granted in 51 cases, and 81 cases have been finally decided. The oldest pending case dates back to the year 2017.

(5) The report submitted by the learned Additional Principal Judge, Family Court No.04, indicates that a total of 387 cases are currently pending. Out of these, interim maintenance has been granted in 59 cases, and 50 cases have been finally decided. The oldest pending case dates back to the year 2017.

(3) A brief of compliance report from District Ambedkar Nagar

The report submitted by the learned Principal Judge of the family Court indicates that 1273 cases are currently pending. Of these, 14

have been granted interim maintenance, and 263 have been finally decided. The oldest pending case dates back to 2018.

(4) A brief of compliance report from District Amroha

The report submitted by the learned Principal Judge of the Family Court indicates that 937 cases are currently pending. Of these, neither interim maintenance has been granted nor has any case been finally decided. The oldest pending case dates back to 2018.

(5) A brief of compliance report from District Azamgarh

(1) The report submitted by the learned In-charge Principal Judge, Family Court, indicates that a total of 998 cases are currently pending. Out of these, interim maintenance has been granted in 104 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(2) The report submitted by the learned Additional Principal Judge, Family Court No.01, indicates that a total of 770 cases are currently pending. Out of these, interim maintenance has been granted in 104 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(3) The report submitted by the learned Additional Principal Judge, Family Court No.02, indicates that a total of 813 cases are currently pending. Out of these, interim maintenance has been granted in 126 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(4) The report submitted by the learned Additional Principal Judge, Family Court No.03, indicates that a total of 633 cases are currently pending. Out of these, interim maintenance has been granted in 42 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2017.

(6) A brief of compliance report from District Baghat

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 901 cases are currently pending. Out of these, interim maintenance has been granted in 134 cases, and 38 cases have been finally decided. The oldest pending case dates back to the year 2013.

(7) A brief of compliance report from District Bahraich

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1071 cases are currently pending. Out of these, interim maintenance has been granted in 110 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2012.

(8) A brief of compliance report from District Balrampur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 851 cases are currently pending. Out of these, interim maintenance has been granted in 109 cases, and 18 cases have been finally decided. The oldest pending case dates back to the year 2010.

(9) A brief of compliance report from District Banda

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1202 cases are currently pending. Out of these, interim maintenance has been granted in 28 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2009.

(10) A brief of compliance report from District Barabanki

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 441 cases are currently pending. Out of these, interim maintenance has been granted in 46 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2018.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 544 cases are currently pending. Out of these, interim maintenance has been granted in 44 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2018.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 773 cases are currently pending. Out of these, interim maintenance has been granted in 49 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(11) A brief of compliance report from District Bareilly

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 500 cases are currently pending. Out of these, interim maintenance has been granted in 90 cases, and 1 case has been finally decided. The oldest pending case dates back to the year 2018.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 649 cases are currently pending. Out of these, interim maintenance has been granted in 233 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 836 cases are currently pending. Out of these, interim maintenance has been granted in 127 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2011.

(4) The report submitted by learned Additional Principal Judge, Family Court No. 3, indicates that a total of 549 cases are currently pending. Out of these, interim maintenance has been granted in 69 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2017.

(12) A brief of compliance report from District Basti

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 649 cases are currently pending. Out of these, interim maintenance has been granted in 9 cases, and 1 case has been finally decided. The oldest pending case dates back to the year 2016.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 735 cases are currently pending. Out of these, interim maintenance has been granted in 53 cases, and 1 case has been finally decided. The oldest pending case dates back to the year 2015.

(13) A brief of compliance report from District Bijnor

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 731 cases are currently pending. Out of these, interim maintenance has been granted in 16 cases, and 4 cases have been finally decided. The oldest pending case dates back to the year 2016.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 606 cases are currently pending. Out of these, interim maintenance has been granted in 17 cases, and 16 cases have been finally decided. The oldest pending case dates back to the year 2017.

(14) A brief of compliance report from District Budaun

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 763 cases are currently pending. Out of these cases, neither has interim maintenance been granted nor has any case been finally decided. The oldest pending case dates back to the year 2015.

(2) The report submitted by learned Additional Principal Judge, Family Court, indicates that a total of 823 cases are currently pending.

Out of the these cases, neither has interim maintenance been granted nor has any case been finally decided. The oldest pending case dates back to the year 2018.

(15) A brief of compliance report from District Chandauli

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1048 cases are currently pending. Out of these, interim maintenance has been granted in 162 cases, and none of the cases have been finally decided. The oldest pending case dates back to the year 2017.

(16) A brief of compliance report from District Chitrakoot

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 396 cases are currently pending. Out of these, interim maintenance has been granted in 81 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2019.

(17) A brief of compliance report from District Deoria

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 774 cases are currently pending. Out of these, interim maintenance has been granted in 34 cases, and 2 cases have been finally decided. The oldest pending case dates back to the **year 2022**.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 100 cases are currently pending. Out of these, interim maintenance has been granted in 15 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2005.

(18) A brief of compliance report from District Etah

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1162 cases are currently pending. Out of these,

interim maintenance has been granted in 4 cases, and 133 cases have been finally decided. The oldest pending case dates back to the **year 2013.**

(19) A brief of compliance report from District Ayodhya

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 914 cases are currently pending. Out of these, interim maintenance has been granted in 81 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2012.

(20) A brief of compliance report from District Farrukhabad

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 670 cases are currently pending. Out of these, interim maintenance has been granted in 14 cases, and 38 cases have been finally decided. The oldest pending case dates back to the year 2018.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 536 cases are currently pending. Out of these, interim maintenance has been granted in 15 cases, and 51 cases have been finally decided. The oldest pending case dates back to the year 2012.

(21) A brief of compliance report from District Fatehpur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1207 cases are currently pending. Out of these, interim maintenance has been granted in 9 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2017.

(22) A brief of compliance report from District Firozabad

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 553 cases are currently pending. Out of these,

interim maintenance has been granted in 21 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 648 cases are currently pending. Out of these, interim maintenance has been granted in 73 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(3) The report submitted by the learned Additional Principal Judge, Family Court-2, indicates that a total of 919 cases are currently pending. Out of these, interim maintenance has been granted in 45 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2017.

(23) A brief of compliance report from District Hardoi

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 731 cases are currently pending. Out of these, interim maintenance has been granted in 14 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(2) The report submitted by the learned Additional Principal Judge, Family Court-1, indicates that a total of 457 cases are currently pending. Out of these, interim maintenance has been granted in 6 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(3) The report submitted by the learned Additional Principal Judge, Family Court-2, indicates that a total of 526 cases are currently pending. Out of these, interim maintenance has been granted in 21 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2007.

(24) A brief of compliance report from District Hathras

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1077 cases are currently pending. Out of these, interim maintenance has been granted in 87 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2019.

(25) A brief of compliance report from District Jaunpur

(1) The report submitted by the learned Additional Principal Judge, Family Court-1, indicates that a total of 603 cases are currently pending. Out of these, interim maintenance has been granted in 7 cases, and 3 cases have been finally decided. The oldest pending case dates back to the year 2013.

(2) The report submitted by the learned Additional Principal Judge, Family Court-3, indicates that a total of 635 cases are currently pending. Out of these, interim maintenance has been granted in 13 cases, and 47 cases have been finally decided. The oldest pending case dates back to the year 2019.

(26) A brief of compliance report from District Jhansi

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 43 cases are currently pending. Out of these, interim maintenance has been granted in 21 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2023.

(27) A brief of compliance report from District Kannauj

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1884 cases are currently pending. Out of these, interim maintenance has been granted in 135 cases, and 484 cases have been finally decided. The oldest pending case dates back to the year 2014.

(28) A brief of compliance report from District Kanpur Nagar

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 3044 cases are currently pending. Out of these, interim maintenance has been granted in 325 cases, and 40 cases have been finally decided. The oldest pending case dates back to the year 2000.

(29) A brief of compliance report from District Kasganj

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 760 cases are currently pending. Out of these, interim maintenance has been granted in 22 cases, and 43 cases have been finally decided. The oldest pending case dates back to the year 2018.

(30) A brief of compliance report from District Kaushambi

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1232 cases are currently pending. Out of these, interim maintenance has been granted in 45 cases, and 72 cases have been finally decided. The oldest pending case dates back to the year 2014.

(31) A brief of compliance report from District Lalitpur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 880 cases are currently pending. Out of these, interim maintenance has been granted in 321 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2019.

(32) A brief of compliance report from District Lucknow

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 650 cases are currently pending. Out of these, interim maintenance has been granted in 145 cases, and 12 cases have

been finally decided. The oldest pending case dates back to the year 2017.

(2) The report submitted by the learned Additional Principal Judge, Family Court-1, indicates that a total of 515 cases are currently pending. Out of these, interim maintenance has been granted in 375 cases, and 23 cases have been finally decided. The oldest pending case dates back to the year 2009.

(3) The report submitted by the learned Additional Principal Judge, Family Court-2, indicates that a total of 508 cases are currently pending. Out of these, interim maintenance has been granted in 220 cases, and 18 cases have been finally decided. The oldest pending case dates back to the year 2012.

(4) The report submitted by the learned Additional Principal Judge, Family Court-3, indicates that a total of 479 cases are currently pending. Out of these, interim maintenance has been granted in 149 cases, and 3 cases have been finally decided. The oldest pending case dates back to the year 2012.

(5) The report submitted by the learned Additional Principal Judge, Family Court-4, indicates that a **total of 499** cases are currently pending. Out of these, interim maintenance has been granted in 318 cases, and **all 499 cases** have been finally decided.

(6) The report submitted by the learned Additional Principal Judge, Family Court-5, indicates that a total of 546 cases are currently pending. Out of these, interim maintenance has been granted in 200 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2013.

(7) The report submitted by the learned Additional Principal Judge, Family Court-6, indicates that a total of 500 cases are currently pending. Out of these, interim maintenance has been granted in 227

cases, and 17 cases have been finally decided. The oldest pending case dates back to the year 2013.

(8) The report submitted by the learned Additional Principal Judge, Family Court-7, indicates that a total of 700 cases are currently pending. Out of these, interim maintenance has been granted in 232 cases, and 14 cases have been finally decided. The oldest pending case dates back to the year 2013.

(33) A brief of compliance report from District Maharajganj

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 2416 cases are currently pending. Out of these, interim maintenance has been granted in 22 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(34) A brief of compliance report from District Mahoba

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 583 cases are currently pending. Out of these, interim maintenance has been granted in 178 cases, and 9 cases has been finally decided. The oldest pending case dates back to the year 2019.

(35) A brief of compliance report from District Mainpuri

(1) The report submitted by the learned Principal Judge, Family Court-I, indicates that a total of 976 cases are currently pending. Out of these, interim maintenance has been granted in 12 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2016.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 585 cases are currently pending. Out of these, interim maintenance has been granted in 25 cases, and

none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(36) A brief of compliance report from District Meerut

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1437 cases are currently pending. Out of these, interim maintenance has been granted in 25 cases, and 62 cases have been finally decided. The oldest pending case dates back to the year 2017.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that 1067 cases are currently pending. Of these, interim maintenance has been granted in 93 cases, and 467 cases have been finally decided. The oldest pending case dates back to 2014.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 923 cases are currently pending. Out of these, interim maintenance has been granted in 20 cases, and 182 cases have been finally decided. The oldest pending case dates back to the year 2012.

(37) A brief of compliance report from District Mirzapur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1553 cases are currently pending. Out of these, interim maintenance has been granted in 62 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2003.

(38) A brief of compliance report from District Moradabad

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 631 cases are currently pending. Out of these, interim maintenance has been granted in 23 cases, and 28 cases have

been finally decided. The oldest pending case dates back to the year 2019.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 587 cases are currently pending. Out of these, interim maintenance has been granted in 46 cases, and 9 cases have been finally decided. The oldest pending case dates back to the year 2017.

(39) A brief of compliance report from District Pilibhit

(1) The report submitted by the learned In-charge Principal Judge, Family Court, indicates that a total of 887 cases are currently pending. Out of these, interim maintenance has been granted in 16 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2020.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 439 cases are currently pending. Out of these, interim maintenance has been granted in 28 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2020.

(40) A brief of compliance report from District Pratapgarh

(1) The report submitted by the learned Principal Judge, Family Court No. 1, indicates that a total of 901 cases are currently pending. Out of these, interim maintenance has been granted in 8 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2021.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 429 cases are currently pending. Out of these, interim maintenance has been granted in 20 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2010.

(41) A brief of compliance report from District Prayagraj

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 42 cases are currently pending. Out of these, interim maintenance has been granted in all the 42 cases, and all the cases have been finally decided.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 56 cases are currently pending. Out of these, interim maintenance has been granted in all the 56 cases, and all the cases have been finally decided.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 3, indicates that a total of 869 cases are currently pending. Out of these, interim maintenance has been granted in 46 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2007.

(4) The report submitted by the learned Additional Principal Judge, Family Court-4, indicates that a total of 920 cases are currently pending. Out of these, interim maintenance has been granted in 23 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2012.

(5) The report submitted by the learned Additional Principal Judge, Family Court-5, indicates that a total of 692 cases are currently pending. Out of these, interim maintenance has been granted in 28 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(42) A brief of compliance report from District Raebareli

(1) The report submitted by the learned In charge Principal Judge, Family Court, indicates that a total of 728 cases are currently pending. Out of these, interim maintenance has been granted in 36 cases, and

none of the cases has been finally decided. The oldest pending case dates back to the year 2019.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 506 cases are currently pending. Out of these, interim maintenance has been granted in 27 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2011.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 564 cases are currently pending. Out of these, interim maintenance has been granted in 18 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2017.

(43) A brief of compliance report from District Kanpur Dehat

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 729 cases are currently pending. Out of these, interim maintenance has been granted in 46 cases, and 15 cases have been finally decided. The oldest pending case dates back to the year 2017.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 1275 cases are currently pending. Out of these, interim maintenance has been granted in 47 cases, and 65 cases have been finally decided. The oldest pending case dates back to the year 2015.

(44) A brief of compliance report from District Rampur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 759 cases are currently pending. Out of these, interim maintenance has been granted in 38 cases, and 56 cases have been finally decided. The oldest pending case dates back to the year 2017.

(45) A brief of compliance report from District Saharanpur

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1057 cases are currently pending. Out of these, interim maintenance has been granted in 314 cases, and 18 cases have been finally decided. The oldest pending case dates back to the year 2021.

(2) The report submitted by the learned Additional Principal Judge-I, Family Court, indicates that a total of 582 cases are currently pending. Out of these, interim maintenance has been granted in 174 cases, and 5 cases have been finally decided. The oldest pending case dates back to the year 2013.

(46) A brief of compliance report from District Sambhal at Chandausi

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 644 cases are currently pending. Out of these, interim maintenance has been granted in 17 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2020.

(47) A brief of compliance report from District Sant Kabir Nagar

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 387 cases are currently pending. Out of these, interim maintenance has been granted in 14 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(48) A brief of compliance report from District Shahjahanpur

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1087 cases are currently pending. Out of these, interim maintenance has been granted in 42 cases, and none of the

cases has been finally decided. The oldest pending case dates back to the year 2014.

(2) The report submitted by the learned Additional Principal Judge, Family Court, indicates that a total of 372 cases are currently pending. Out of these, interim maintenance has been granted in 76 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2014.

(49) A brief of compliance report from District Shravasti

The report submitted by the learned Incharge Principal Judge, Family Court, indicates that a total of 637 cases are currently pending. Out of these, interim maintenance has been granted in 81 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(50) A brief of compliance report from District Siddharth Nagar

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 387 cases are currently pending. Out of these, interim maintenance has been granted in 14 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2015.

(51) A brief of compliance report from District Sitapur

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 549 cases are currently pending. Out of these, interim maintenance has been granted in 41 cases, and 45 cases have been finally decided. The oldest pending case dates back to the year 2021.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 609 cases are currently pending. Out of these, interim maintenance has been granted in 33

cases, and 14 cases have been finally decided. The oldest pending case dates back to the year 2018.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 618 cases are currently pending. Out of these, interim maintenance has been granted in 36 cases, and 44 cases have been finally decided. The oldest pending case dates back to the year 2019.

(52) A brief of compliance report from District Sonbhadra

The report submitted by the learned In-charge Principal Judge, Family Court, indicates that a total of 826 cases are currently pending. Out of these, interim maintenance has been granted in 95 cases, and none of the cases has been finally decided. The oldest pending case dates back to the year 2018.

(53) A brief of compliance report from District Sultanpur

The report submitted by the learned Principal Judge, Family Court, indicates that a total of 868 cases are currently pending. Out of these, interim maintenance has been granted in 34 cases, and 17 cases have been finally decided. The oldest pending case dates back to the year 2019.

(54) A brief of compliance report from District Varanasi

(1) The report submitted by the learned Principal Judge, Family Court, indicates that a total of 1328 cases are currently pending. Out of these, interim maintenance has been granted in 49 cases, and 35 cases have been finally decided. The oldest pending case dates back to the year 2013.

(2) The report submitted by the learned Additional Principal Judge, Family Court No. 1, indicates that a total of 533 cases are currently pending. Out of these, interim maintenance has been granted in 55

cases, and 25 cases have been finally decided. The oldest pending case dates back to the year 2003.

(3) The report submitted by the learned Additional Principal Judge, Family Court No. 2, indicates that a total of 249 cases are currently pending. Out of these, interim maintenance has been granted in 33 cases, and 10 cases have been finally decided. The oldest pending case dates back to the year 2004.

(4) The report submitted by the learned In-charge Additional Principal Judge, Family Court No. 3, indicates that a total of 421 cases are currently pending. Out of these, interim maintenance has been granted in 44 cases, and 14 cases have been finally decided. The oldest pending case dates back to the year 2002.

21. Upon repeated reminders by the Registrar General of this Court, all the learned Principal Judges of the Family Courts submitted their reports; however, the same did not comply with the order dated 08.07.2024, which specifically directed that the learned Principal Judges shall ensure the details are submitted Court-wise, separately, and in seriatim—from the oldest case to the latest. Only 54 learned Principal Judges, Family Court have filed compliance report in aforesaid directions whereas rest chosen to file report as per their convenience without seriatim and details as directed.

22. A composite review of the reports submitted by the respective Family Judges indicates that certain cases under Section 125 Cr.P.C. have remained pending since as early as 2013 and 2014. Although such cases are few in number, it is pertinent to note that the law mandates applications under Section 125 Cr.P.C. be disposed of expeditiously through summary proceedings. Furthermore, cases filed in the years 2017, 2018, and 2019 have, on average, been listed for hearing 60 to 80 times. A substantial number of cases have even been listed more than 90 times. The Court further observed that, on

average, between 1500-2000 cases under Section 125 Cr.P.C. are pending before the Principal Judges, Family Courts in Meerut, Agra, Allahabad, and Maharajganj, whereas the number of such cases pending before the Additional Judges, Family Courts ranges between 500-600.

23. It is further revealed that, in most cases, dates are being given approximately 12 to 15 times a year, yet interim maintenance orders are seldom passed. By way of illustration, the learned Principal Judge, Family Court, Agra, out of 1,433 pending cases, granted interim maintenance in only 84 cases, and just one case was finally decided between 2013-2014. Similarly, in Aligarh, out of 1,019 cases, interim maintenance was awarded in merely 93 cases, and only 110 cases were finally disposed of between 2014-2024. In Ambedkar Nagar, the learned Principal Judge, Family Court, granted interim maintenance in just 14 out of 1,273 cases, and 263 cases were finally decided during the same period.

23.1 In Amroha, 937 cases were instituted between 2018-2024; however, the learned Principal Judge, Family Court, neither awarded interim maintenance nor decided any of these cases. In contrast, in Lucknow, before the learned Additional Principal Judge, Family Court-4, 499 cases were instituted, and interim maintenance was granted in 318 of them. Notably, all of these cases were eventually disposed of.

23.2 The situation in most other districts is broadly similar. There appears to be a systemic lack of practice in awarding interim maintenance in Family Courts. Instead, cases are repeatedly adjourned, and final decisions are rendered only when circumstances fortuitously allow, rather than through a structured or time-bound adjudicatory process.

23.3 This Court is unable to comprehend why the learned Family Courts consistently fail to adhere to the directions issued by the Constitutional Courts, despite clear and specific instructions being laid down from time to time. In *Rajnish v. Neha & Anr. (Supra)*, the Supreme Court provided comprehensive guidelines, and has since continued to sensitize Family Courts through circulars and other communications. Additionally, this Court, in *Smt. Parul Tyagi v. Gaurav Tyagi (supra)*, issued structured guidelines for Family Courts as early as 2023. Regrettably, although reports claim that the guidelines are being followed, such compliance is not reflected in the orders passed by the Family Courts, particularly when these orders are brought under challenge before this Court.

23.4 Even the basic requirement of directing the parties to file affidavits of assets and liabilities has not been complied with in the vast majority of cases. Interim maintenance—which, ideally, ought to be awarded to a destitute wife shortly after the institution of proceedings—has not been granted even after a lapse of 5 to 6 years, during which such cases have been listed for hearing more than 60 to 70 times. This Court is not oblivious to the pain and suffering of a woman who, on one hand, has been abandoned by her husband, and on the other, finds her right to live with dignity further neglected by the inaction of the Courts.

24. This chronic delay is attributable, in part, to a pro-bar judicial approach—marked by listing and decision-making practices that tend to favour prolonged engagement of legal counsel. Matters are repeatedly listed without any substantive progress; adjournments are routinely granted at the request of advocates without sufficient justification; timelines for filing reply affidavits are not enforced; and there is a lack of insistence on the presence of parties when required. While such practices are often defended under the guise of ensuring a 'fair hearing,' their cumulative impact is deeply detrimental—

particularly for indigent wives who lack the financial capacity to endure protracted litigation.

25. Under Article 141 of the Constitution of India, the law declared by the Supreme Court is binding on all courts and authorities within the territory of India. Similarly, the High Courts, by virtue of their constitutional status under Article 226, have the power to issue writs and directions that are enforceable throughout their respective jurisdictions.

26. When subordinate courts and authorities violate express judicial orders, they do not merely flout procedural norms—they undermine the very foundation of constitutional supremacy. Judicial directions are not advisory in nature; they are binding commands that must be followed by all concerned. The Hon'ble Supreme Court, in *Arnesh Kumar v. State of Bihar*, cautioned that the disregard of judicial directions carries the grave risk of anarchy and institutional paralysis. This concern becomes even more pressing when judicial inertia and systemic delays converge, manifesting in routine adjournments, procedural mismanagement, and, ultimately, a denial of justice.

27. Despite the law's clear mandate for speedy relief, interim maintenance is subjected to endless delays—often involving 70 to 90 adjournments over nearly a decade. Such routine adjournments exemplify the plight of thousands of women who are re-victimized by a sluggish and indifferent judicial system. Maintenance laws are intended as social welfare legislation, designed to prevent destitution. The Supreme Court, in *Rajnesh v. Neha (supra)*, has prescribed clear timelines for the disposal of maintenance applications, underscoring the necessity of affidavits of assets and liabilities and time-bound decisions. Yet, a woman's plea for basic subsistence is frequently buried beneath the weight of adjournments, judicial absenteeism, and procedural delays.

28. The Judiciary cannot afford to be perceived as complicit—whether through inaction or apathy—in the erosion of justice. When its own directions are disregarded, and when the most vulnerable citizens, such as destitute wives, suffer due to endless judicial delays, the Court recognizes that the crisis at hand is not merely legal but fundamentally moral.

29. The Family Courts Act, 1984 was enacted to establish specialized courts for the expeditious resolution of matrimonial and family disputes—particularly matters of maintenance, custody, and domestic violence, which require urgent adjudication. However, the very purpose of creating separate Family Courts appears to be defeated due to poor infrastructure, an overwhelming backlog of cases, frequent adjournments, non-functional courtrooms, and undue delays—such as waiting over a decade and enduring 70 to 90 adjournments even for interim maintenance.

30. The establishment and maintenance of Family Courts fall within the responsibility of the State Government, while consultation regarding their establishment, administrative supervision, as well as the posting, promotion, and training of judges, lies with the High Court. The failure to provide adequate infrastructure is not merely an administrative lapse—it constitutes a constitutional failure that adversely affects access to justice for crores. If justice is to be meaningful, it must be accessible, timely, and humane—and this imperative begins with the provision of proper infrastructure.

31. Despite the clear and specific directions laid down in *Rajnish v. Neha* (supra) and subsequent authoritative pronouncements, a disturbing trend has emerged wherein the learned Family Court Judges routinely fail to implement these mandates. Judges often neglect to require the mandatory filing of “*Assets and Liabilities Affidavits*” from both parties—affidavits intended to prevent

concealment, promote transparency, and facilitate fair maintenance orders. No fixed timelines are enforced by the Courts, and routine adjournments are granted without sufficient justification. Non-cooperative parties are not penalized by the imposition of reasonable costs for evading proceedings. Consequently, interim maintenance applications remain undecided for years, despite being summary proceeding in nature, and there are no effective or practical consequences for non-compliance with the High Court's orders.

32. The structural deficiencies in the judicial system can only be addressed through meaningful institutional reforms and by establishing clear accountability. It is high time for the Constitutional Courts to confront the growing dissonance between judicial vision and ground-level inertia. When courts fail to enforce their own judgments—especially those of constitutional significance—they undermine core principles: **(i)** the rule of law, as courts are bound not only to interpret but also to enforce the law; and **(ii)** judicial accountability, since judges take an oath to uphold the Constitution, not merely to perform ceremonial adjudication. Non-compliance with directions issued by Constitutional Courts is not merely an administrative oversight—it constitutes judicial abdication.

33. The next generation will not judge us by how eloquently we wrote judgments, how many cases we listed per day, how long we occupied constitutional office, or from which position we demitted office. They will judge us by whether we delivered justice where it mattered most, and whether we enforced our own commands with courage and consistency. The trial judge has prompted a necessary moment of introspection: Are we becoming custodians of our own irrelevance? If the judiciary is to remain the final refuge for the vulnerable, it must not only speak with moral authority—it must act with institutional resolve.

34. Based on the aforesaid deliberations, I hereby direct the Registrar General of this Court to place a copy of this order before the Hon'ble Chief Justice, with a request to take cognizance of the issues highlighted herein. The judicial wisdom of the Hon'ble Chief Justice carries both commanding authority and a constitutional obligation.

35. Reverting to the facts of this case, neither party has chosen to file the affidavit of assets and liabilities as mandated in *Rajnish v. Neha & Anr.* (supra), disclosing all sources of income, in compliance with the order dated 23.5.2024. The office report dated 11.12.2024 reflects that notice was duly received by the respondent-wife, and a Vakalatnama has been filed on her behalf. Upon perusal, the impugned order does not warrant interference by this Court, as the record indicates that the revisionist-husband holds a senior position in Gail India Limited. It is made clear that, in the event the revisionist-husband fails to pay the maintenance, recovery shall be effected in accordance with the directions laid down in *Rajesh Babu Saxena v. State of U.P. and Others* [Criminal Revision Defective No. 1789 of 2023].

36. Accordingly, the petition is ***dismissed*** in terms of the aforesaid deliberations.

Order Date :- 12.5.2025

Shafique

Vinod Diwakar,J.