



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 11405 of 2025

Smt. Roshni Verma

.....Petitioner(s)

Versus

Sh. Prasun Kumar

.....Respondent(s)

Counsel for Petitioner(s)	:	Gopal Khare
Counsel for Respondent(s)	:	

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. The instant petition has been preferred seeking a direction in the nature of mandamus, commanding the learned Judicial Magistrate, Court No. 3, Varanasi, to expedite the proceedings in Complaint Case No. 296 of 2018, instituted under Section 12 of the Protection of Women from Domestic Violence Act, 2005, and conclude the same within a fixed time frame.

2. In brief, the facts of the case is that the petitioner filed a complaint under Section 12 of the Domestic Violence Act, 2005 on 06.11.2018 before the court of Judicial Magistrate, Varanasi. To arrive at a logical conclusion, a few dates are significant and are outlined as follows: (i) on 06.11.2018, the petitioner instituted the complaint under Section 12 of the DV Act, and (ii) on 28.05.2019, the respondent-husband was duly served with notice; however, he failed to appear. Consequently, the trial court proceeded ex-parte for evidence on 23.09.2019.

3. Subsequently, the respondent appeared for the first time on 29.01.2021, nearly two years and two months after the institution of the case. Thereafter, vide order dated 07.09.2021, the trial court granted interim maintenance of Rs.15,000/- per month to the petitioner- wife.

4. Aggrieved by the said order, the respondent-husband preferred a criminal revision before the revisional court, wherein the maintenance amount was reduced to Rs. 10,000/- per month.

5. Being aggrieved by the reduction of interim maintenance, the petitioner-wife filed a Criminal Revision No. 652 of 2023 before this Court. After considering the respondent's employment status as a Section Engineer

drawing Rs. 1,10,000/- per month, a co-ordinate Bench of this Court restored the interim maintenance to Rs. 15,000/- per month.

6. Learned counsel for the petitioner submits that despite the pendency of proceedings since 06.11.2018, the petitioner has not received a single penny of maintenance to date and is living a life of destitution without any financial support. It is further submitted that the respondent is employed as an Engineer in the Indian Railways, earning a substantial salary. Despite this, he has not paid any maintenance, resulting in an accumulated arrears of Rs. 4,55,000/-.

7. Upon perusal of the record and submissions made, it is disconcerting to note that despite explicit directions issued by the Supreme Court in *Rajnesh v. Neha and another* (2021) 2 SCC 324 and this Court in *Smt. Parul Tyagi v. Gaurav Tyagi*, 2023 SCC OnLine All 2684, neither the trial court nor the revisional court directed the respondent to file an affidavit of assets and liabilities. Such inaction amounts to disregard and non-compliance with binding precedents of the constitutional courts, reflecting a state of indifference by the courts concerned. Furthermore, an earlier direction issued by this Court in *Rajesh Babu Saxena v. State of U.P. and another* (2024) SCC OnLine All 2260 mandating recovery of maintenance from the respondent's salary has also not been complied with. Such conduct reflects a systemic failure and erodes the confidence of litigants in the judicial system. This Court on multiple occasions has issued directions to Family Courts to act with sensitivity, awareness, and responsibility, especially in matters concerning maintenance and domestic violence. However, these directions are not being complied with by the learned trial court judges, its unfortunate.

8. In such circumstances, the learned Judicial Magistrate, Court No. 3, Varanasi, is directed to furnish an explanation mentioning the legal impediments, which prevented compliance with the directions of the constitutional courts in the present matter directing the parties to file affidavit of assets and liabilities. Similarly, the Revisional Court is also directed to submit an explanation indicating the material on record on the basis of which the maintenance amount from Rs. 15,000/- was reduced to Rs. 10,000/- per month.

9. The Registrar (Compliance) is directed to transmit a copy of this order to

the concerned Judicial Magistrate and Revisional Court, who had passed the aforesaid orders. The explanations shall be submitted through the Registrar General of this Court on or before the next date of hearing. Evasive reply may invite administrative action.

10. Put up this matter as fresh on 14.10.2025 along with Matter Under Article 227 No. 9123 of 2025.

October 10, 2025
Anil K. Sharma

(Vinod Diwakar,J.)