



Through e-mail

From,

Manjeet Singh Sheoran, HJS
Registrar General
High Court of Judicature,
at Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

Letter No. 13420 /Admin G-II Dated 3/10/2026

Sub: Regarding compliance of the judgment/order dated 23.04.2026 passed by this Hon'ble Court in Application u/s 529 BNSS No- 1635 of 2026, Smt. Nandani Vs State of U.P. and Another.

Madam/Sir,

During the course of hearing of aforesaid case, this Hon'ble Court, vide order dated 23.04.2026 (pdf copy enclosed), has considered the matter regarding prolonged pendency of proceedings under **Section 128 Cr.P.C. (now Section 147 BNSS)** for enforcement of a maintenance order passed under **Section 125 Cr.P.C.**

The Court has referred to the Circular Letter no. 05 dated 29.01.2022 whereby guidelines were framed for constitution of **Monitoring Cell for Family Courts** in each district of the State and observed that the Monitoring Cell is required to bridge the gap between the passing of Judicial Orders and their actual execution.

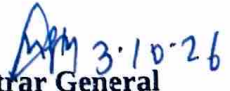
Accordingly, the Court has issued detailed directions to all the **Principal Judges of Family Courts; District Magistrates; SSPs/SPs and Chief Medical Officers of the State** for effective enforcement of maintenance orders under section 125(3) and Section 128 CrPC (now Sections 144(3) and 147 BNSS).

In this regard, I am directed by Hon'ble Court to send the pdf copy of aforesaid order dated 23.04.2026 passed by Hon'ble Court to your goodself for onward circulation of the same amongst all the Judicial Officers of your judgship for their information and strict compliance.

Encl. As above

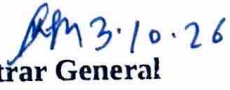
With Regards,

Yours faithfully,


Registrar General

Letter No. /Admin G-II Dated /2026

Copy to the **Director, Judicial Training and Research Institute, Lucknow** for information.


Registrar General



2026:AHC:90337

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 529 BNSS No. - 1635 of 2026

Smt Nandani

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Zafar Yab Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant and learned A.G.A for the State as also perused the record.

This application under Section 529 BNSS has been filed seeking direction to the court concerned for early disposal of Misc. Criminal Case No. 490 of 2021 (Nandani vs. Harish), under Section 128 Cr.P.c., Police Station Mohana, District Siddhartha Nagar, pending in the court of learned Principal Judge, Family Court, Siddharth Nagar.

Brief facts of the case are that marriage of the applicant with opposite party no. 2 was solemnized in the year 2010 as per Hindu rites and Rituals, and thereafter, "Gauna" ceremony took place in the year 2014. Soon after the marriage, applicant began living in her matrimonial home, where she was subjected to physical and mental cruelty due to dowry demands, ultimately leading to her being expelled from the house on 13th June, 2018, after which she has been living cohabiting with her elderly parents. Applicant filed a maintenance application under Section 125 Cr.P.C. in the year 2019, and vide order dated 27 September, 2021, the Family Court at Siddharth Nagar awarded her Rs. 3,000/- per month from the date of application. However, due to failure of opposite party no. 2 to comply with the same, she initiated execution proceedings under Section 128 Cr.P.C. on 27th October, 2021, seeking recovery of Rs. 99,000/- in arrears. Despite repeated notices and her consistent participation, the execution case has remained pending for over four years without any

payment being made, allegedly due to repeated adjournments granted to opposite party no. 2, who is claimed to have sufficient financial means but is willfully avoiding compliance.

Learned counsel for the applicant submits that the proceedings of the subject case under Section 128 Cr.P.C. is pending since 27.10.2021 and a considerable period has already been lapsed.

Having heard learned counsel for the applicant and learned AGA for the State, it would be useful to go through the relevant provisions of Code of Criminal Procedure.

Section 128 of the Code of Criminal Procedure (now Section 147 of the Bharatiya Nagarik Suraksha Sanhita) has been enacted to secure the prompt and effective enforcement of maintenance orders passed under Section 125 of the Code (now Section 144 BNSS). It is, therefore, expedient to peruse the said provision as reproduced hereinafter-

Section 125(3) - *If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each months 4[allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be,] remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made.*

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due.

Section 128 - Enforcement of order of maintenance.

A copy of the order of 1[maintenance or interim maintenance and expenses of proceedings, as the case may be,] shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to 2[whom the allowance for the maintenance or the allowance for the interim maintenance and expenses of proceeding, as the case may be,] is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the

non-payment of the 3[allowance, or as the case may be, expenses, due].

On a bare perusal of the aforesaid provisions, it is clear that timely enforcement of maintenance orders is essential for the survival and welfare of the claimant, especially where wives and minor children have no independent source of income and depend entirely on such orders for financial support. Any delay in execution causes serious financial hardship and defeats the purpose of the law. If the orders are not enforced promptly, they remain merely “**paper decrees**” without any real effect. In such situations, the principle that **justice delayed is justice denied** clearly applies. Moreover, a mere direction under Section 529 BNSS (corresponding to Section 483 Cr.P.C.) is not sufficient unless the concerned court actively ensures proper and timely compliance.

To address this issue, this High Court, **vide order dated 29.01.2022 issued through C.L. No. 05**, has framed guidelines for the constitution of a Monitoring Cell for Family Courts in each district of the State. The Monitoring Cell shall consist of the learned Principal Judge, Family Court, the District Magistrate, the Superintendent of Police/Senior Superintendent of Police, and the Chief Medical Officer of the district. It shall meet every month in the judgeship premises to discuss the problems faced by the Family Courts and to ensure proper coordination among all concerned authorities.

In order to ensure effective enforcement of maintenance orders under Section 125(3) and Section 128 Cr.P.C. (now Sections 144(3) and 147 BNSS), a coordinated approach between different authorities is necessary. The Monitoring Cell is required to bridge the gap between the passing of judicial orders and their actual execution.

For achieving this objective, the following directions are necessary under the present circumstances for compliance by all learned Principal Judges, Family Courts, District Magistrates, SP/SSP, and Chief Medical Officers of the district:

1. The Monitoring Cell shall meet once in a month to review the pendency of execution petitions. The primary objective is to transition from "order on paper" to "money in hand" for the destitute wife, children, or parents.

- 2. Maintain a digital register of all pending execution petitions under Section 125(3) and 128 CrPC.*
- 3. Aim to dispose of execution petitions within reasonable time preferably 6 months of filing.*
- 4. Enforce the mandatory filing of the Affidavit of Assets and Liabilities (as per the Hon`ble court verdict in Rajnesh v. Neha (2021) 2 SCC 324,) to determine the actual paying capacity and location of assets.*
- 5. Designate a nodal officer at every police station specifically for the service of summons and execution of distress warrants in maintenance cases.*
- 6. Provide necessary police force to the Court Nazir/Collector when an order for attachment of movable property is being executed.*
- 7. Utilize the surveillance wing to track respondents who frequently change addresses to evade payment.*
- 8. Where the Court orders the attachment of immovable property or recovery as "arrears of land revenue" under Section 125(3), the concerned executive officer must initiate recovery proceedings within 15 days.*
- 9. In cases where the respondent is a salaried employee, the DM concerned shall ensure that "Attachment of Salary" orders are complied with by the Drawing and Disbursing Officer (DDO) or HR department, as per the order of the concerned court.*
- 10. Use District Information Officers to sensitize the public about the legal consequences of wilful neglect of maintenance orders.*
- 11. If a respondent claims "inability to work" or "medical infirmity" as a defense for non-payment, the CMO shall constitute a Medical Board to verify such claims within 7 days.*
- 12. Ensure that destitute women and children who are litigants in these cases receive priority medical aid and documentation (if required for the case) at government facilities.*

Maintenance is not a matter of charity or additional income, but a means of basic sustenance for the dependents. Any delay in its enforcement

deprives them of their essential needs and dignity. This Court is of the considered view that a **victim-centric approach** must be adopted while dealing with proceedings under Sections 125(3) and 128 Cr.P.C., (corresponding Section 144(3) and 147 B.N.S.S.) and the courts concerned are required to act with promptness so as to prevent undue hardship to the claimant, reduce pendency, and avoid multiplicity of proceedings for enforcement. It is further observed that timely and proactive disposal of such applications, even within a reasonable period, is essential to ensure that the relief granted is meaningful and effective, and to obviate unnecessary litigation.

In view of the above and in accordance with the guidelines of the Allahabad High Court, the present application under Section 529 BNSS is **disposed of** with the directions to the court concerned to decide the subject case in accordance with law, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, preferably within a period of six months, if possible, from the date of production of a certified copy of this order, if there is no other legal impediment.

Further, all the concerned authorities shall strictly comply with the above measures to ensure effective enforcement of maintenance orders.

In this regard, learned Registrar General of this Court is directed to circulate/send a copy of this order to all the learned Principal Judge, Family Court(s), District Magistrate, SP/SSP, and Chief Medical Officer of the State of U.P. for compliance.

(Jai Prakash Tiwari,J.)

April 23, 2026
Brijesh