



2026:AHC-LKO:55690

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 4292 of 2026

Shashi Gupta

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Civil Sectt.
Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Aziz Mansuri, Shalu Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Mohd. Aziz Mansuri, learned counsel for the petitioner and Shri Ravi Srivastava, the learned A.G.A. for the State.
2. By means of the instant petition filed under Section 227 of the Constitution of India, the petitioner has sought issuance of a direction to the learned Additional Principal Judge-I, Family Court, Lucknow to decide the Execution Case No.1675 of 2024, under Section 147 BNSS titled as 'Shashi Gupta Vs. Vivek Gupta' expeditiously.
3. The learned A.G.A. has raised a preliminary objection that the State of U.P. is not a party to the execution proceedings and, therefore, it is neither a necessary party nor a proper party to the present petition.
4. The learned counsel for the petitioner admitted that the State of U.P. has been impleaded erroneously and he states that he does not want to press the petition against the State of U.P.
5. The petitioner has filed Execution Case No. 1675 of 2024 on 19.07.2024 for execution of an order dated 04.06.2024 passed by the learned Additional Principal Judge-I, Family Court, Lucknow in Criminal Case No. 1506 of 2022 under Section 125 Cr.P.C. whereby the opposite

party no. 2 has been directed to pay Rs. 7000/- per month to the petitioner for her maintenance.

6. In her affidavit of assets and liabilities filed before the Family Court, the petitioner has disclosed that she has filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, in which also, an order has been passed for payment of Rs. 4,500/- as maintenance.

7. A settlement was entered into between the parties under which it was agreed that the husband will pay Rs. 1,51,000/- and return of goods as settlement amount and the parties will get their marriage dissolved by mutual consent. The husband has paid Rs. 50,000/- in part performance of the aforesaid agreement. But thereafter, the settlement could not fructify into a suit for divorce by mutual consent.

8. The petitioner has not filed any petition either for divorce or for restitution of conjugal rights and she is merely fighting for getting maintenance from her husband in different proceedings before different Courts.

9. On the one hand, the petitioner claims that she is unable to maintain herself and she cannot afford to purchase even the basic necessities for survival and on the other hand, she is multiplying non-compulsive litigation against her husband. The petitioner had filed an application under Section 125 Cr.P.C. and a complaint under Section 12 of the Domestic Violence Act claiming maintenance. Although she had a legal right to institute numerous proceedings claiming maintenance under various statutory provisions but when she claims to be unable to maintain herself and afford even the basic necessities for survival, it does not appear to be proper to multiply non-compulsive litigation. Further, non-filing of the suit for restitution of conjugal rights or divorce indicates that

the petitioner is interested only in claiming maintenance from her husband before various fora and not in settling her disputes either way by restitution of her matrimonial status or by dissolution of her marriage.

10. Multiplication of optional and non-compulsive litigation is creating an unwarranted burden on the Family Courts which is causing delay in disposal of matters. When all the courts are working under heavy workload and the Family Courts especially have been artificially overburdened with workload by multiplying litigation with similar object by numerous litigants, including the petitioner, this Court finds no good ground to issue any direction to the Family Court for expeditious disposal of the pending matter.

11. Accordingly, the petition is **dismissed**.

(Subhash Vidyarthi,J.)

August 11, 2026

Arti/-