



2025:AHC-LKO:57329

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 5554 of 2025

Smt. Saba @ Saba Siddiqui

.....Petitioner(s)

Versus

Shodul Hasan

.....Respondent(s)

Counsel for Petitioner(s)	:	Sumit Chauhan,	Ashutosh
		Srivastava,	Chandra
		Srivastava	

Counsel for Respondent(s) :

Court No. - 13

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri Sumit Chauhan, learned counsel for the petitioner.
2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has sought issuance of a direction to the Principal Judge, Family Court, Bahraich for expeditious disposal of Case No. 627/11/2023 "*Smt. Saba Siddiqui Vs. Shodul Hasan*", under Section 125 Cr.P.C/144 B.N.S.S.
3. The aforesaid case under Section 125 Cr.P.C was filed by the petitioner on 07.06.2023. On 12.03.2025, the Family Court has passed an order granting interim maintenance to the petitioner and the matter was fixed for 23.05.2025, for evidence. A copy of the order dated 23.05.2025 cannot be found from the record of the petition. Copies of the orders passed by the trial court annexed with the petition are in such a haphazard manner that the Court had to invest unduly long time in going through the record. The petition was taken up previously on 16.09.2025, on which date, it was passed over to enable the learned counsel for the petitioner to assist the Court in a proper manner by bringing on record the copies of the orders of the trial court arranged in a proper manner, but today again learned counsel for the petitioner started advancing his submissions afresh, without even pointing out that

on the last date, the Court had passed over the case in order to enable him to correct the error.

4. It is indeed a very sad state of affairs where the Courts are overburdened with work and several of the learned counsel do not assist the Court fairly and to the best of their ability. Today, 91 fresh matters and 182 other matters are listed before this Court, besides six miscellaneous applications. The Court's scheduled sitting time is for 300 minutes. The roster assigned to this Court includes:-

"1. All Minor Bail Applications.

2. All Minor Anticipatory Bail Applications.

3. All Criminal matters pertaining to Enforcement Directorate and CBI.

4. All Criminal Cases Pertaining to Members of Parliament, Members of Legislative Assembly and Members of Legislative Council.

5. All Criminal Matters (not provided elsewhere).

6. Leave to appeal starting from the oldest.

7. All matters u/s 378, 407 Cr.P.C.

8. All matters u/s 419, 447 of Bharatiya Nagarik Suraksha Sanhita, 2023."

5. The Hon'ble Supreme Court has issued a direction to all the Courts to decide all the bail matters within two months of their filing. When such a huge number of cases are being filed before this Court and this Court is expected to clear the entire pendency of bail applications within a period of two months, such poor quality of assistance being provided by Advocates is creating a hurdle in speedy dispensation of justice to the litigants.

6. In **Banwari Lal Kanchal Vs Dr. Bhartendu Agarwal: 2023 SCC OnLine ALL 2510**, wherein the Court has requested all the learned Counsel to cooperate in speedy dispensation of justice by decreasing the non-productive expenditure of the Court's time. In **Vipin Tiwari Vs. State of U.P.: 2025 On Line ALL 5184**, this Court again requested the learned members of the Bar and reminded them that besides being a representative of their clients,

they are also responsible Officers of the Court. They should be considerate towards the other litigants also and should cooperate in expeditious dispensation of justice by being precise and concise while preparing pleadings as well as while making submissions before the Court.

7. It is really unfortunate that the repetitive requests made by this Court through reported judgements, has not been acceded to by the members of the Bar.

8. In these circumstances, when the Court is under oath to perform its duties to the best of its ability, there is no option except for going through the record to ensure rendering justice to the petitioner inspite of the poor assistance rendered by the Advocate.

9. The petition under section 125 Cr.P.C was filed by the petitioner in the year 2023. Although, it is true that all the Court in the State are working under immense workload, it is equally true that applications under 125 Cr.P.C need to be decided expeditiously.

10. The order sheet of the Family Court revealed that the opposite party no.2 has repetitively abstained from appearing and the Family Court had passed a order for proceeding with the case ex-parte.

11. Keeping in view the aforesaid facts and circumstances of the case, the petition is ***disposed off*** by issuing a direction to the Principal Judge, Family Court, Bahraich to proceed with Case No. 627/11/2023 "*Smt. Saba Siddiqui Vs. Shodul Hasan*", under Section 125 Cr.P.C/144 B.N.S.S. expeditiously in accordance with law, without granting any unnecessary adjournment to any of the parties and by fixing dates at short intervals.

September 18, 2025

Preeti

Subhash Vidyarthi,J.)