

High Court of Judicature at Allahabad, Lucknow Bench, Lucknow

Writ Petition No. (M/S) of 2002

Syed Nazim Husain

vs.

The Additional Principal Judge Family Court & another

Hon'ble A. Mateen, J.

Heard learned counsel for the petitioner as well as learned A.G.A.

Since a very trivial point is involved I propose to dispose of the petition at this initial stage. Learned counsel for the petitioner has approached this Court with the prayer that the order dated 24.10.2002 be quashed.

From the order dated 24.10.2002 it comes out that the learned Additional Principal Judge, Family Court on the application, moved by the petitioner under Section 340, 344 Cr.P.C. instead of disposing of the same had postponed disposal of the said application and ordered that said application may be disposed of after evidence is recorded in case No. 566/89.

In my view, if an application is moved in the pending case bringing to the notice of the court that any false evidence knowing well has been filed or fabricated in such proceedings, the court should dispose of the said application first before proceeding any further or before recording of further evidence.

In the circumstances, I dispose of the present application and direct the Additional Principal Judge Family Court to dispose of the application so moved by the petitioner under Section 340, 344 Cr.P.C. before proceeding

further in accordance with law.

With the above observations the petition is disposed of finally.

9.1.2003 sd- A.Mateen