

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.390 of 2013

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

Rajeev Kumar, son of late Jagdeo Prasad, resident of village-Chhoti Nawada, P.S.-
Delha, District- Gaya.

.... Petitioner/s

Versus

Neha Rani, wife of Rajeev Kumar, daughter of Suryadeo Prasad, resident of
village-Pokhra Gudri Road, P.O. + P.S.-Hajipur, District-Vaishali.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. C. M. Chaurasia, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-03-2015

1. There is no doubt that the order was passed behind the back of the Petitioner. Whether notice was given to the or not is disputed.

2. However, in the interest of justice, I would direct that the matter be remanded to the Court below for passing a fresh order. This would not mean that effect of the earlier order has become obliterate. It would be well within the power of the Principal Judge, Family Court, Vaishali, to consider the documents of both the parties and pass necessary orders with regard to quantum of maintenance to be granted to the Opposite Party No.2.

3. Entire exercise should be completed within a period of four months from the date of receipt/production of a copy of this order.

4. It is made clear that the said order will not be interim in nature but final order.

5. In view of such, the order dated 10.01.2013 passed in Maintenance Case No.215 of 2012 by the Principal Judge, Family Court, Vaishali at Hajipur, is hereby set aside without going into merits of the claim or quantum of maintenance.

6. The Petitioner is directed to appear before the Court below within a period of two weeks from the date of receipt/production of a copy of this order.

7. The application stands disposed off with the aforesaid observation.

(Anjana Prakash, J)

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