

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.554 of 2014

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Devnarayan Lal @ DevnaryanLal Soa, S/o Late Parmeshwar Lal R/o Village -
Barhara, P.S. Athmal Gola, District - Patna

.... Appellant

Versus

1. Muneshwari, W/o Devnarayan Lal P.S. Athmagola, District - Patna
2. Shanti Kumari, D/o Devnarayan Lal Sao
3. Tarkeshwar Kumar, S/o Devnarayan Lal Sao, All resident of village - Shivjee
Nagar, Near Airtel Tower, P.O. Makhdoompur, P.S. Digha, District - Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Upendra Pratap Singh, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 14-05-2015

This appeal has been filed against order dated 09.04.2012 passed by Additional Principal Judge, Family Court, Patna in Maintenance Case No. 176(M) of 2007, whereunder appellant opposite party of the said case has been directed to pay maintenance of Rs. 3,000/- per month to his second wife, applicant of the said case, Rs. 500/- per month to her daughter, Applicant No. 3 of the said case and Rs. 50,000/- in lump sum to the applicant for the education of Applicant No. 3.

It is submitted on behalf of the

appellant that aforesaid order has been passed ignoring the order of the High Court dated 09.02.2011 passed in Cr. Misc. No. 31911 of 2010 that too without serving notice of the maintenance case on the appellant. If the aforesaid submission is correct, appellant should have been well advised to seek a review of the order dated 09.04.2012 before Additional Principal Judge, Family Court, Patna who passed the said order. Accordingly, this appeal is permitted to be withdrawn with liberty to raise the aforesaid submission before Additional Principal Judge, Family Court, Patna who shall be obliged to consider the same in accordance with law within one week from the date of receipt/production of a copy of this order, in any case within two weeks from today.

(V.N. Sinha, J)

(Nilu Agrawal, J)

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