

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28385 of 2012

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1. Suleman Mian S/O Late Azij Mian Resident Of Village- Hiramani Bazar,
P.S.- Chhauradano, District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sahabun Nesha W/O Suleman Mian Resident Of Village- Hiramani, P.S.-
Chhauradano, District- East Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Murlidhar (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-02-2015 This application under Section 482 of the Code of Criminal Procedure has been filed seeking quashing of the order dated 13.3.2012 passed in Maintenance Case No. 42 of 2009 by the learned Principal Judge, Family Court, Motihari, East Champaran whereby, he has refused to recall the exparte order dated 22.6.2009.

I have examined the order dated 22.6.2009 which is an exparte order as the petitioner failed to participate in the proceeding before the Principal Judge, Family Court, Motihari, East Champaran.

Learned counsel for the petitioner submits that the petitioner could present himself before the Court below as he was

in imprisonment.

Learned counsel for the petitioner also submits that no maintenance is required to be paid to the Opposite party No.2 as she is living with the petitioner. This fact has, however, been denied by the learned counsel for Opposite party no.2.

I have seen the order dated 22.6.2009 passed by learned Principal Judge, Family Court, Motihari, East Champaran in Maintenance case No. 42 of 2009 whereby, he has directed the petitioner to pay a sum of Rs. 1800/- per month to the applicant. I do not find the maintenance amount to be unreasonably high since the petitioner is said to be engaged in the business of tailoring.

This application is dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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