

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1141 of 2012

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1. Guddu Kumar Yadav S/o Ramashankar Yadav.
2. Ramashankar Yadav, S/o late Ram Ekbal Yadav.
3. Ramawait Devi, W/o Ramashankar Yadav.
4. Ashok Yadav @ Ashok Kumar Yadav, S/o Ramashankar Yadav.
5. Manoj Yadav @ Manoj Kumar Yadav, S/o Ramashankar Yadav
All resident of Village- Baruna, P.S.- Buxar (Ind.), District- Buxar
..... Petitioners.

Versus

1. The State of Bihar
2. Pushpa Devi, D/o Prabhans Yadav.
Resident of Village- Baruna, P.S.- Buxar (M), District- Buxar.
..... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha
For the Respondent/s : Mr. Mani Madhukar (App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER**

8 12-01-2015 Opposite Party no.2, namely, Pushpa Devi, filed a case under Women Domestic Violence Act. In her complaint, she stated that she was legally married to petitioner no.1 and petitioner nos. 2 to 5 are father, mother and two brothers of petitioner no.1. She complained that her in-laws are trying to force her out of the house and are not looking after her food and maintenance, on account of which it has become difficult to survive.

2. Learned Magistrate on considerations of materials on record vide order dated 18.08.2011 restrained the petitioners from dispossessing or disturbing her from residential facilities in the share hold house of her husband, with a further direction to the husband to pay a sum of Rs. 2000/- per month for house hold

maintenance and a sum of Rs.3000/- for Medical compensation. In total a sum of Rs.5000/- was directed to be paid by the petitioner no.1 to opposite party no.2.

3. Being aggrieved, the petitioners filed an appeal under Section 29 of the Protection of Women from Domestic Violence Act. The appellate court affirmed the order of the trial court. The petitioners have now filed this revision against these two orders.

4. The petitioners submit that a decree of divorce has been allowed on 24.12.2011. A copy of the judgment has also annexed as Annexure-3.

5. Counsel for opposite party no.2, namely, Pushpa Devi, submits that an appeal has been preferred against the order passed in Matrimonial suit. Admittedly there is no order staying the order of the learned Principal Judge, Buxar in appeal.

6. In view of decree of divorce, the petitioner no.1 and opposite no.2 has ceased to be the husband and wife. The Protection of Women from Domestic Violence Act would only apply till such relationship subsists, which is no more the case, after passing of decree of divorce on 24.12.2011, unless and until, it is stayed or reversed.

7. The impugned orders, passed by these two Courts,

are liable to be set aside and accordingly quashed with slight modification to the extent that the petitioner would be liable to pay the maintenance award at the rate of Rs.5000/- per month from the date of order i.e. 18.08.2011 till the date of divorce i.e. 24.12.2011. The petitioner no.1 would be liable to make payment of a sum of Rs. 20,000/- (5000 x 4) within three months from today in favour of opposite party no.2 by way of Bank draft or in her hand in the original court of Judicial Magistrate, 1st Class, Buxar in connection with Complaint case no.529 © of 2011. The petitioners are no longer obliged to keep opposite party no.2 in their house.

8. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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