

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 12942 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- SARAN

Chandeshwar Prasad son of Harihar Prasad.

.... Petitioner/s

Versus

1. State of Bihar.
2. Sharda Devi daughter of Badshah Singh

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 13-07-2015

The petitioner seeks quashing of the order dated 27.08.2008 passed by the Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 582 of 1995/222 of 2005 by which he has awarded a sum of Rs. 1000/-(one thousand) to the O.P. No. 2.

The case of the O.P. No. 2 is that she was married to the petitioner in a temple after which the petitioner kept her in a rented premises. Thereafter, he stopped maintaining her and hence the present maintenance case.

The submission of the petitioner is that the O.P. No. 2 was married with one Janakdeo Prasad @ Jagdeo Prasad and not with the petitioner. In such circumstances, the award of maintenance is irregular and deserves to be set aside.

It appears the lady herself stated that she was married with one Janakdeo Prasad @ Jagdeo Prasad earlier and was still living with him. In such circumstances evidently there is no material to suggest that the petitioner and the O.P. No. 2 ever lived as husband and wife, hence the order dated 27.08.2008 passed by the Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 582 of 1995/222 of 2005 deserves to be set aside. The application is allowed.

(Anjana Prakash, J)

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