

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1034 of 2012

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

Sonika Devi, wife of Hiralal Maraiya, daughter of Dhirendra Lal Das, resident of village- Dandama, P.S.- Kasba, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar,
2. Hiralal Maraiya, son of Chanlal Maraiya, resident of village- Dandama, P.S.- Kasba, District- Purnea

.... Respondent/s

Appearance :

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

For the Respondent/s : Mr. Ram Prawesh Kumar, Advocate

APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 12-02-2015

The Petitioner seeks quashing of the order dated 03.07.2012 passed by the Principal Judge, Family Court, Purnea, by which he has refused maintenance to the Petitioner in Maintenance Case No.203 of 2007 holding that the Opposite Party No.2 was still a minor at the time of marriage and, therefore, it was not a valid marriage.

Provision of Hindu Marriage Act is very clear that such type of marriage is voidable but not void. Till such time the marriage is dissolved, it will be deemed as subsisting and, therefore, the Opposite Party No.2 cannot refuse to maintain his wife as per law and customs.

In view of such, the matter is remanded to the Court

below for fresh adjudication within four weeks from the date of receipt/production of a copy of this order without granting unnecessary adjournment to any part.

Counsel for the Opposite Party No.2 submits that he will present himself on any date fixed by the Family Court.

The application stands disposed off.

(Anjana Prakash, J)

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