

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1296 of 2013

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Nesharul Haque @ Nesharun Haque, son of Hafiz Ansari, resident of
village-Churiharwa Laxmipur, P.S.-Chiraiya, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sabrun Nisha, @ Sabarun Nisha, wife of Nesharul Hauqe, resident of
village-Churiharwa Laxmipur, P.S.-Chiraiya, District-East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the O.P.No.1 : Mr. Rana Randhir Singh, Addl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

15 28-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 29.10.2010 passed in Maintenance Case No.16 of 2010 by the learned Principal Judge, Family Court, Mothari, whereby the petitioner, being the husband of the opposite party no.2, has been directed to pay interim maintenance to the opposite party no.2 at the rate of Rs.3,000/- per month from the date of petition filed by the opposite party no.2 i.e. 14.07.2010.

In the impugned order a finding of facts has been recorded by the learned Principal Judge, Family Court that the petitioner has earning of Rs.20,000/- per month and, therefore, he has been directed to pay interim maintenance to the opposite party no.2 at the rate of Rs.3,000/- per month.

Admittedly, there is no dispute of relationship between the petitioner and the opposite party no.2. The opposite party no.2, being the legally wedded wife of the petitioner, is entitled for grant of interim maintenance under the provisions of Section 125 of the Cr.P.C.

No case for interference is made out. The present

application is, accordingly, dismissed.

However, if the main maintenance case is still pending and has not been decided till date, then the petitioner shall be at liberty to raise all the points for fixation of quantum of maintenance at the stage of final disposal of the aforesaid maintenance case under Section 125 of the Cr.P.C.

The interim order dated 23.09.2013 passed by a Bench of this Court stands vacated.

(Birendra Prasad Verma, J)

Arvind/-

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