

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1007 of 2012

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1. Sunita Devi wife of Shailendra Rai.
 2. Amit Kumar son of Shailendra Rai.

.... Petitioner/s

Versus

1. State of Bihar.
2. Shailendra Rai son of Late Ambika Rai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Respondent/s : Mr. P.K.Chaurasiya (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

4 08-05-2015

The petitioners are aggrieved with the order dated 25.07.2012 by which the Family Court, Saran at Chapra has refused interim maintenance to the petitioners in Maintenance Case No. 186 of 2010 on the ground that the petitioners are already getting Rs. 3000/- as per direction of this Court by order dated 17.08.2011 passed in Cr. Misc. No. 24426 of 2011.

The submission of the petitioners is that O.P. No. 2 is only sporadically depositing the amount in question and hence maintenance should not have been refused without verification of deposit.

In such circumstances notices had been issued to O.P. No. 2 but he has chosen not to appear before this Court.

Hence, the matter is remanded to the Court below for fresh adjudication in the light of the aforesaid observation.

The Sub-Divisional Judicial Magistrate, Saran at Chapra is directed to take stringent steps against O.P. No. 2 Shailendra Roy for not complying with the order of this Court passed in Cr. Misc. No. 24426 of 2011 since the grievance of the petitioners is that he is not paying Rs. 3000/- regularly.

With these observations, the application stands disposed off. The family Court is directed to pass final order on maintenance case within a period of two months from the date of receipt of this order after.

(Anjana Prakash, J)

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