

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17689 of 2014

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Manjula Devi @ Manjhula Devi, wife of Tribeni Sah, resident of village-Tilokkar, Police Station- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, P.W.D. Patna, Bihar.
2. The Chief Engineer, P.W.D., Muzaffarpur, Bihar, Patna.
3. The Superintending Engineer, P.W.D., Hajipur, Vaishali, Bihar.
4. The Executive Engineer, P.W.D., Hajipur, Vaishali, Bihar.
5. Tribeni Sah, son of late Ramhit Sah, resident of village-Muhammadpur, Police Station, Rosara, District- Samastipur at presently residing at Ganga Bridge Colony, Q. No.1D/1, District-Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Dubey
Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Purnendu Singh, GP-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 29-01-2015 Learned counsel for the parties are present.

The petitioner seeks division of the post-retiral benefits. It is the grievance of the petitioner that although she is the first legally wedded wife of the respondent no.5 Tribeni Sah who has neglected her and is living with the second wife. While making such submission it is also admitted that a maintenance case was filed by the petitioner under section 125 of the Code of Criminal Procedure (hereinafter referred to as 'the Code') and in which orders have been passed which are not being complied with by the respondent no.5.

In case the husband of the petitioner is not complying

with the order passed by the family court below under section 125 of 'the Code', the remedy for the petitioner lies under section 128 thereof and she can avail of the same.

However, in the circumstances, no direction can be passed in the present proceedings which is accordingly disposed of.

(Jyoti Saran, J)

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