

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1268 of 2011

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

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Ramdeo Sah S/o Late Saryug Sah, Resident of village- Janar, P.S. Aurai, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shambhu Sah S/o Ramdeo Sah, Resident of village- Janar, P.S. Aurai, District Muzaffarpur presently posted as an Assistant Teacher , Middle School , Sahila Baijnath, Anchal- Aurai -II , P.S. Hathauri District-Muzaffarpur.
3. Shankar Kumar Hemant S/o Ramdeo Sah, Resident of village- Janar, P.S. Aurai , District Muzaffarpur, presently posted as T.T.I., Indian Rail , Solapur Junction (Moharashtra).
4. The Block Education Officer, Aurai, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-04-2016

Heard learned counsel for the parties.

The application was directed against part of the order dated 26.05.2011 passed in Maintenance Case No. 14 of 2009 by the Principal Judge, Family Court, Muzaffarpur by which he has held that only the opposite party no. 3 shall pay Rs. 2,000/- per month to the petitioner.

Learned counsel for the petitioner had submitted that he is the father of the opposite parties no. 2 and 3 and the Court had directed only opposite party no. 3 to pay the maintenance amount to him whereas the opposite party no. 2 was



not provided to pay anything which was not proper. By order dated 11.01.2012, the Court had admitted the case and by way of an interim order directed the opposite parties no. 2 and 3 to pay a sum of Rs. 2,500/- per month each to the petitioner latest by 7th of the subsequent month in cash. When the aforesaid order was not complied with by the opposite party no. 2, the matter was brought to the notice of the Court and finally the opposite party no. 2 made up-to-date payment. However, today it has been submitted that the opposite party no. 2 has failed to pay the amount for the last few months whereas opposite party no. 3 is paying the same regularly.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties and taking into account the fact that the opposite parties no. 2 and 3 are earning more than Rs. 30,000-40,000/- per month, the amount of Rs. 2,000/- to be paid by the opposite party no. 2 is meager. Nothing has been brought on record to show that they are not earning almost Rs. 40,000/- per month. It being the fact that the petitioner is the father of the opposite parties no. 2 and 3 and advanced in age without any substantial earning, the application is disposed off holding that the opposite parties no. 2 and 3 shall pay Rs. 2,500/- per month to the petitioner. They shall also contribute to the medical expenses of the petitioner as and when the need arises. Since the opposite party no. 3 has been paying regularly, there is no reason to doubt his *bona fide*. However, the

opposite party no. 2 despite the order of the Court earlier has not been paying the monthly maintenance on time and even now is in default of a few months, the Court deems it appropriate to direct the Controlling Authority i.e., the Block Education Officer, Aurai, Muzaffarpur to see that Rs. 2,500/- is deducted from his salary and paid to the petitioner directly in his account every month which shall be complied with by the concerned officer within three weeks from the date the petitioner appears before him along with a copy of this order.

The application stands disposed off in the aforementioned terms.

It is made clear that the opposite party no. 4 shall also ensure that the first such installement includes up-to-date payment. For the said purpose, the Block Education Officer, Aurai, Muzaffarpur is added as opposite party no. 4. Let necessary correction be made during the course of the day by learned counsel for the petitioner.

(Ahsanuddin Amanullah, J.)

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