

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.217 of 2016

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Gulam Rasul @ Lallan Rai Son of Late Jugal Rai, Father of Late Chanda Khatoon @ Punam Priya, Resident of Village - Jagdishpur, Ward No. 6, P.S. - Jagdishpur, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Bihar, Patna.
2. The Director General of Police, Old Secretariat, Bihar, Patna.
3. The Superintendent of Police, Bhojpur, Arrah.
4. The Deputy Superintendent of Police, Jagdishpur, Bhojpur.
5. The Officer - in - Charge, Jagdishpur Police Station, District - Bhojpur, Ara.
6. Anish @ Anil Rai, Son of Late Mohammad @ L.N. Rai, Resident of Village - Naraw Near Masjid, P.S. - Awatarnagar, District - Chapra at present residing at Dabu Colony, N.I.T. Faridabad, House No. C-154, Faroj Hariyana, Pin Code - 121001.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Respondent/s : Mr. Suresh Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
ORAL ORDER

2 29-03-2016 The petitioner has sought a direction to the Superintendent of Police, Bhojpur, Arrah, to produce respondent no. 6 before the Family Court, Arrah.

The grievance of the petitioner is that the Family Court, Arrah, has granted maintenance to the daughter of the petitioner but the same is not being paid. Therefore, a direction may be issued to the S.P., Bhojpur, Arrah, to produce respondent no. 6 before the Family Court for enforcement of the order of maintenance.

I find that the present writ application is wholly misconceived. Once the Family Court has passed an order of maintenance, it is for the Family Court to enforce the order in accordance with the provisions of the Act and the Rules made thereunder. The High Court cannot be treated as an executing Court for the purposes of enforcement of the order of maintenance passed by the Family Court.

The writ application is dismissed.

(Hemant Gupta, J)

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