

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.917 of 2016

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

=====

Md. Saddam, Son of Md. Allauddin alias Rahmat, resident of Village-Lahuria,
Police Station-Bela, Distt. -Sitamarhi.

.... Petitioner

Versus

Azmat Khatoon Wife of Md. Saddam resident of Village Lahuria Police Station
Bela, District Sitamarhi at present daughter of Md. Israfil resident of Village
Nocha, Police - Station Bela, District Sitamarhi.

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

For the Respondent/s : Mr. Shailendra Kumar No.1 APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-10-2016

I.A. No. 1864 of 2016

This application under Section 5 of the Limitation Act for condonation of delay in filing revision application is hopelessly barred by law of limitation.

The order under challenge is of 25th September, 2012 passed by the Principal Judge, Family Court, Sitamarhi in Miscellaneous Case No. 88 of 2011 allowing the prayer for payment of maintenance and directing the petitioner to pay a monthly maintenance of Rs.2,000/- to the opposite party no. 2 and

Rs.1,000/- to the minor child.

On perusal of the record, it would be evident that the petitioner was duly noticed and the process was served upon him. Despite the service report, the petitioner failed to appear before the court of Principal Judge, Family Court, Sitamarhi. As the petitioner remained absent, the court directed for publication of notice in newspaper and after the newspaper publication, the court has treated the notice to be duly served and, thereafter, proceeded *ex parte* against the petitioner and passed the order.

The petitioner has taken a plea that the notice was never served upon him as he was working at Jabalpur. It has also been submitted that the newspaper publication also never came to his notice and, hence, the order was passed behind his back. On such a plea, a prayer has been made to condone the delay caused in filing the revision application.

In my opinion, the grounds set forth on behalf of the petitioner for condoning the delay caused in filing the revision application are just lame excuses. The record of the case speaks for itself. The petitioner has deliberately avoided to attend the proceedings of the court. In my opinion, no sufficient cause has been shown to justify the prayer made in the present interlocutory application.

In that view of the matter, the interlocutory application and the revision application, being Cr. Revision No. 917 of 2016, are dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	24.10.2016
Transmission Date	24.10.2016