

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1075 of 2014

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

=====

Md. Karmatullah, son of Md. Nasrullah, resident of village and Post Office Akhta, Police Station Bairgania, District Sitamarhi

.... Petitioner

Versus

Bushra Khatoon, wife of Md. Karmatullah, and daughter of Late Jamil Akhtar, resident of village and Post Office Akhta, Police Station Bairgania, District Sitamarhi, presently, residing at village Garri, Police Station Jale, District Darbhanga

.... Respondent

=====

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 28-02-2017

Heard learned Counsel for the petitioner.

2. The order, dated 18.01.2010, passed by learned Principal Judge, Family Court, Darbhanga, in Maintenance Case No. 130 of 2009, is under challenge in the present criminal revision application, whereby the learned Court below has allowed monthly maintenance allowance at the rate of Rs. 1,000/- per month in favour of opposite party, under Section 125 of the Code of Criminal Procedure, 1973.

3. The petitioner is, admittedly, the husband of the opposite party. The impugned order is being assailed, primarily, on the ground that the opposite party left the society of the petitioner out of her own sweet will.



4. From the impugned order, I find that the petitioner did not participate in the proceeding before the learned Court below, which compelled the Court below to pass ex-parte order.

5. The petitioner is said to have filed an application for recall of the impugned order before the learned Court below. This Court has no comments to make on that.

6. Considering the fact that there is no dispute that the petitioner is the husband of the opposite party, the amount, which has been fixed for payment as monthly maintenance allowance at the rate of Rs. 1,000/-, payable by the petitioner to his wife (opposite party), under Section 125 of the Code of Criminal Procedure, 1973, does not appear to be unreasonable. The impugned order, dated 18.01.2010, does not require any interference.

7. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11-03-2017
Transmission Date	11-03-2017

