

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.623 of 2014

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1. Smt. Sujata Devi, Wife of Shri Narendra Kumar, Resident of Flat No. 404, Sant Vihar Apartment, Lohanipur, P.S.- Kadam Kuan, District - Patna

.... Petitioner

Versus

1. Shri Narendra Kumar, Son of Late Sohan Lal Arya, Resident of Digha Ghat, P.O. & P.S.- Digha Ghat, District - Patna

.... Respondent

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Appearance :

For the Petitioner : Smt. Sujata Devi, (in person)

For the Respondent : Mr. Sunil Singh, Advocate

Mr. Sanjeev Kumar, Advocate, appearing as Amicus Curiae

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

11 08-03-2017

I have heard Mr. Sanjeev Kumar, learned Advocate, who, at the request of this Court, has appeared taking up the case of the petitioner, who was earlier appearing in person. He has given valuable assistance to this Court. This court records deep appreciation for his sincere and selfless endeavour.

I have also heard Mr. Sunil Singh, learned Counsel, appearing on behalf of the sole respondent.

What has emerged from the submissions advanced at the Bar and the materials on record, that the order, which is being challenged in the present criminal revision proceeding, cannot be said to have been passed under Section 127 of the Code of Criminal Procedure, 1973, though, the said order has been passed mentioning that provision by the learned Court below. The said order is evidently under the provisions of the Hindu Marriage Act,



allowing the petitioner enhancement of maintenance amount from a sum of Rs. 1,000/- per month to Rs. 2,000/-. That being so, this criminal revision application under Section 19 (4) of the Family Courts Act, 1984, cannot be maintained.

The petitioner has a remedy of appeal under the provisions of the said Act against the impugned order passed for enhancement of the maintenance amount, in the facts and circumstances of the present case.

This application is accordingly disposed of with an observation that the petitioner shall have the liberty to prefer appeal against the order impugned.

I am of the view that the petitioner deserves legal aid to be provided by the Patna High Court Legal Services Committee.

Let the order be communicated to the Secretary, Patna High Court Legal Services Committee, for providing necessary legal aid to the petitioner including fixing remuneration payable to learned Counsel, who has accepted to appear on her behalf on a request made by this Court.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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