

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.181 of 2017

IN

LPA 240 of 2016

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Pyare Sah, son of Late Kailash Sao, resident of Village Saidabad, PS Pali Kako, District Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna
2. The Superintending Engineer, Rural Works Department, Works Anchal -2, Chapra
3. The Accountant General, Bihar, Patna
4. Treasury Officer, Jehanabad
5. Kunti Devi, wife of Pyre Sah, resident of Village Saidabad, PS Pali Kako, District Jehanabad (Respondents)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. Pushkar Narain Shahi, AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-09-2017

Seeking review / recall of an order dated 25.04.2017 passed by this Court in LPA No. 240 of 2016 this application under Clause 10 of Appendix-E of the Patna High Court Rules has been filed.

It is stated that the Judicial Magistrate, Jehanabad, exercising jurisdiction in a criminal case could not direct for payment of 50% as maintenance by deducting it from pension of the applicant-husband. We find that challenging the said order the writ petition in question was filed and on 24.09.2014 by passing a detailed order the learned Writ Court found that maintenance is



proper and did not interfere into the matter. In fact, the Writ Court upheld the grant of maintenance, direction for its deduction and payment to the petitioner by recovering from pension. The power of interference of the Writ Court was exercised under Article 226 of the Constitution and we see no error in the same. It is a reasonable order.

Finding no ground to interfere into the order of the learned Writ Court, the appeal was also dismissed.

Now on this ground raised we are not inclined to make any indulgence exercising our limited jurisdiction for review. The grounds raised by the petitioner are not such on the basis of which review or recall of the order passed by the learned Writ Court can be made. There is no error apparent on the face of record.

The application is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.09.2017
Transmission Date	N.A.

