

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.658 of 2016

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

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1. Chandeshwar Yadav Son of Late Ganey Yadav Permanent resident of Village Bhandairson, P.S. Manigachhi, District Darbhanga. At present residing at Railway Hospital, Town and P.S.Katihar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mala Devi wife of Shri Chandeshwar Yadav
3. Suman Kumar Yadav Son of Shri Chandeshwar Yadav
4. Sweta Kumari daughter of Shri Chandeshwar Yadav
5. Sumita Kumari daughter of Shri Chandeshwar Yadav All are residents of Rly. Station Road, P.S. - Kasba, District - Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deoyadav

For the Respondent/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date: 23-01-2017

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

2. This criminal revision application has been filed against the judgment and order, dated 10.07.2015, passed, by learned Principal Judge, Family Court, Purnea, in Maintenance Case No. 10 of 2004, whereby the learned Principal Judge has directed the petitioner to pay maintenance allowance at the rate of Rs. 2,500/- per month to Opposite Party No. 2 and Rs.



1,500/- each to Opposite Party Nos. 3, 4 and 5. The Opposite Party No. 3 is the son of the petitioner and Opposite Party Nos. 4 and 5 are his daughters.

3. Learned Counsel appearing on behalf of the petitioner has submitted, challenging the impugned judgment and order, that Opposite Party Nos. 3, 4 and 5 have become major and Opposite Party No. 4 is already married and, therefore, the Court below ought not to have allowed maintenance allowance for them also. He has submitted that it is evident from the application seeking maintenance itself that Opposite Party Nos. 3, 4 and 5 have become major. It is his contention that under the provisions of Section 125 of the Code of Criminal Procedure, 1973, the children, who have become major, are not entitled for any maintenance.

4. I have perused the impugned judgment and order. From the impugned judgment and order, I find that the maintenance amount has been directed to be paid from the date of filing of the maintenance petition; the maintenance petition was filed in the year 2004. Therefore, the plea that the impugned judgment and order, to the extent it relates the payment of maintenance allowance to Opposite Party Nos. 3, 4 and 5, is beyond jurisdiction, cannot be accepted. The impugned judgment and order does not require any interference.



5. It is, however, clarified that the petitioner will be at liberty to apply before the learned Court below for modification of the impugned judgment and order on the ground that Opposite Party Nos. 3, 4 and 5 are not entitled for maintenance either because of change of their marital status or on attaining the age of majority.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.01.2017
Transmission Date	24.01.2017

