

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.285 of 2017

=====

1. Kunal Kumar Goswami S/o Uday Chandra Goswami Resident of Mohalla-Pokhar Basti, Ward No.-15, Police Station-Forbesganj, District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bandana Devi @ Munni D/o Sri Hared Krishna Goswami, W/o Sri Kunal Kumar Goswami,
3. priya Kumari (Minor) D/o Kunal Kumar Goswami. through her Mother and Natural Guardian Bandana Devi Both Resident of Village-Pokhar Basti, Ward No.-15, Police Station-Forbesganj, District-Araria, Presently residing at Purnea College, Campus, Police Station-K.hat, District-Purnea.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Respondent/s : Mr. Smt. Asha Devi

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 23-06-2017 An application (I.A. No. 1112 of 2017) has been filed seeking condonation of delay.

For the reasons stated in the application, I. A. No. 1112 of 2017 is allowed. The delay is condoned.

Heard learned counsel for the parties.

The petitioner seeks to question an order, dated 05.11.2016, passed by learned Principal Judge, Family Court, Purnea in Maintenance Case No. 269 of 2010, whereby monthly maintenance allowance at the rate of Rs. 4,000/- and Rs.3,000/- per month has been granted in favour of Opposite Party Nos. 2 and 3 who are wife and minor



daughter of the petitioner respectively.

It is submitted on behalf of the petitioner that the order has been passed *ex parte* inasmuch as the petitioner did not have any notice of the pendency of the said proceeding of Maintenance Case No. 269 of 2010.

In my view, the petitioner has remedy under Section 126 of the Code of Criminal Procedure, 1973.

It goes without saying that the petitioner shall have be at liberty to invoke Section 126 of the Code of Criminal Procedure, 1973, for the said purpose.

This application is, accordingly, disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

