

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.528 of 2016

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Bimal Kumar @ Vimal Mishra

.... Petitioner/s

Versus

State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. J. S. Arora, Sr. Advocate

: Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Arvind Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 02-02-2017 Though this application has been listed under the heading “For Orders”, with certain defects having been pointed out by the Registry, the case has been heard on merits and is being disposed of by the present order, ignoring such defects.

I.A. No. 130 of 2017

I.A. No. 130 of 2017 has been filed by the appellant, under Section 5 of the Limitation Act, seeking condonation of delay in preferring the present appeal.

Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the appellant was prevented by sufficient causes from preferring the appeal within time.

In view of the above, the delay in preferring the



appeal, is hereby condoned.

I.A. No. 130 of 2017 stands disposed of.

Criminal Revision No. 528 of 2016

The order, dated 04.06.2015, passed under Section 127 of Code of Criminal Procedure, 1973, by learned Additional Principal Judge, Family Court, Patna, whereby he has directed for payment of a sum of Rs. 5,000/- per month as maintenance allowance to opposite party no. 2 along with litigation cost of Rs. 3,000/-, is being assailed in the present criminal revision application, filed under Section 19(4) of the Family Courts Act.

Mr. Arora, learned Senior Counsel, appearing on behalf of petitioner, while assailing the impugned order, has submitted that the impugned order does not, at all, refer to the changed circumstance, requiring the Court to alter the maintenance allowance which opposite party no. 2 was earlier getting. It has been submitted that merely on the ground of inflation, the maintenance allowance has been enhanced from Rs. 2,000/- to Rs. 5,000/-.

Considering the meager amount, which has been allowed for maintenance by learned Addl. Principal Judge, Family Court Patna, in present days of inflation, I am not inclined to interfere with this order. The opposite party no. 2 was allowed



monthly maintenance @ Rs. 2,000/- per month with effect from the year 2004, i.e. from the date of filing of application in the Court below. It is evident from the records that the Court below had earlier held opposite party no. 2 to be entitled for monthly maintenance allowance @ Rs. 2,000/- per month in the year 2004 when the application was filed, though final order was passed in the year 2009.

Accordingly, the impugned order does not require interference and this application is, thus, dismissed.

(Chakradhari Sharan Singh, J.)

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