

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.613 of 2016

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Shiv Kumar Yatti, Son of Sitambar Yatti @ Swetamber Yatti,
Resident of Village- Areraj, P.S.- Govindganj, District- East
Champaran.

.... Petitioner/s

Versus

1. Kiran Devi @ Meera Devi, Wife of Shiv Kumar Yatti, Daughter of
Rajdeo Puri.

2. Shubham, Son of Shiv Kumar Yati through Kiran Devi @ Meera
Devi, Mother.

Both residing at Village- Jeev Dhara, P.O.- Pipra Kothi, District-
East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT & ORDER

Date: 13-01-2017

Heard.

2. The award of Rs. 10,000/- as maintenance for
opposite party No. 1, who is the wife of the petitioner, and Rs.
3,000/- for opposite party No. 2, who is the son of the
petitioner, by the impugned order, dated 16.05.2016, passed by
the learned Principal Judge, Family Court, East Champaran,



Motihari, in Maintenance Case No. 16 of 2007, does not require interference by this Court in the facts and circumstances of the case.

3. It seems that the petitioner instead of making payment of the said amount to opposite party Nos. 1 and 2, has deposited some of the amount in the *Nazarat* of the Civil Court. It appears that the petitioner has not paid the maintenance amount strictly in terms of the impugned order passed by the learned Principal Judge, Family Court, West Champaran, Bettiah, leading to issuance of distress warrant.

4. Learned counsel for the petitioner has submitted that initially the petitioner was asked to pay a sum of Rs. 5,000/- per month to opposite party Nos. 1 and 2 and subsequently after a remand order was passed by this Court, without any further material, the learned court below has enhanced the said amount of Rs. 5,000/- per month to a sum of Rs. 13,000/- per month.

5. I do not find any merit in such contention. It is, however, indicated that no coercive action shall be taken against the petitioner till 30th January, 2017 in pursuance of issuance of distress warrant. By that date, the petitioner will be obliged to pay the entire amount to the opposite parties in accordance with the order passed by the learned Principal Judge, Family Court, West Champaran, Bettiah.



6. With the above observation, this application stands disposed of.

7. It goes without saying the petitioner and opposite party No. 1 shall be at liberty to apply for alteration of the amount before the learned court below under Section 127 of the Code of Criminal Procedure.

8. Learned counsel, appearing on behalf of the petitioner, has also submitted that opposite party No. 2 has become major and, therefore, in terms of the order of the learned court below, the petitioner is not required to make any further payment against maintenance to opposite party No. 2. The petitioner shall be at liberty raise such plea before the learned court below by filing appropriate application.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.1.2017
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