

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.262 of 2015**

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Raja Dhan Pandey, Son of Ram Kailash Pandey, Resident of village - Pareji, Post Jaijore, P.S. Andar, District – Siwan.

.... .... Petitioner/s

Versus

Manisha Pandey, Wife of Rajadan Pandey, Resident of village - Pareji, P.S. Andar, District - Siwan, Daughter of Late Birendra Dubey, Presently resident at village - Kararia, P.S. Gopalganj, District – Gopalganj.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Respondent/s : Mr.

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

**ORAL JUDGMENT**

**Date: 16-03-2017**

Heard the parties.

2. The petitioner is husband of opposite party. Opposite party had filed a maintenance case, under Section 125 of the Code of Criminal Procedure, giving rise to CIS Miscellaneous Case No. 322 of 2013, before Family Court, Gopalganj. The Court had allowed interim maintenance @ Rs. 2,000/- per month by an order dated 05.02.2013. The said maintenance case has finally been decided by an order, dated 21.10.2014, allowing monthly



maintenance @ Rs. 1,500/- with effect from the date of filing of the case, i.e., 25.07.2009, under Section 125 Code of Criminal Procedure. The said order, dated 21.10.2014, is under challenge in the present proceeding.

3. Learned counsel for the petitioner has submitted, after some argument that the petitioner has no grievance over the amount of Rs. 1,500/- as fixed by the learned court below as maintenance allowance. He needs only a clarification from the Court that the amount of Rs. 2,000/-, which the petitioner had paid in the light of interim order, dated 05.02.2013, be taken into account for computation of arrears, since the final order is effective from the date of filing of the case.

4. It goes without saying while computing arrears of maintenance allowance, the amount, which the petitioner has paid by virtue of interim order, shall have to be taken into account. The interim order passed by the court below has merged with the final order. Evidently thus, the opposite party is entitled for monthly allowance @ Rs. 1,500/- per month for the entire period from the date of application till the date of passing of the order and subsequent period including the period during which the petitioner had paid a sum of Rs. 2,000/- per month to the opposite party.

5. I do not find any illegality in the order requiring



interference by this Court. The computation of arrears of maintenance allowance shall have to be done accordingly.

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

7. It is also made clear that the opposite party shall be at liberty to apply for alteration of maintenance allowance by invoking Section 127 of the Code of Criminal Procedure.

**(Chakradhari Sharan Singh, J)**

Praveen-II/-

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