

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.337 of 2016

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Madan Mohan Prasad Son of Late Ram Sahay Prasad Resident of Mohalla-
Raja Bazar, Motihari, P.O.- Motihari Police Station- Motihari Town,
District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Shankar Sah Son of Rameshwar Sah
3. Anand Sah Son of Shankar Sah
4. Raju Devi Wife Shankar Sah
5. Nutan Kumari Wife of Alok Kumar, D/o Shankar Sah, All Resident of
Mohalla- Chhatachank Muzaffarpur, Police Station- Kazi Mohammad,
District- Muzaffarpur
6. Sushil Kumar Son of Saryug Sah, Resident of Mohalla- Majhauiliya
Muzaffarpur, P.S.- Kazi Mohammad, Dist.- Muzaffarpur

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Nagendra Prasad.(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-04-2017 By the impugned order dated 07.12.2015, passed by

the learned Principal Judge, Family Court, Muzaffarpur opposite

party no.5 was directed to be paid monthly maintenance allowance

@ Rs. 4000/- per month by her husband Alok Kumar. The

petitioner is father of said Alok Kumar. The petitioner has not

been asked to pay anything. It was the case of the petitioner and

the opposite party no.5 before the Principal Judge, Family Court,

that there was one time settlement, subsequent to which the

petitioner had given a sum of Rs. one lakh. The court below



dealing with that aspect of the matter has opined that the said settlement had no legal sanctity and, accordingly, it allowed the petitioner to file a money suit for recovery of the said amount. The court has also observed that if the opposite party no.5 receives maintenance allowance @ 4000/- per month, she will return the said amount of Rs. one lakh in instalment of a sum of Rs. 1000/- per month.

In my view, the petitioner has no locus standi to maintain this application, there being no order passed against him, by the court below.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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