

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51307 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Md. Miraz Ahamad S/o Late Abdul Salem Resident of Village Ugawan, Police Station Asthawan, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Smt. Gajala Pravin W/o Md. Meraz Ahmad @ Munna, D/o Shakil Ahamad Resident of Village Ugawan Near Mirzad, Police Station Asthawan, District Nalanda, at present Mohalla Pakki Talab (Devi Asthan West Gali), P.S. Laheri, District Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 27-11-2017

1. Heard learned counsel for the petitioner, opposite party No.

2 and the State.

2. This application has been filed for quashing the order dated 04-08-2014 passed by learned Principal Judge, Family Court, Bihar Sharif, Nalanda in Misc. Case No. 14 of 2012.

3. It has been submitted on behalf of the petitioner that he is ready for one time settlement in the case. Counsel for opposite party No. 2 has appeared and submitted that the petitioner has at no time challenged the original order of maintenance dated 23-02-2012 passed in Maintenance Case No. 64 M of 2010 by which, the Family Court



allowed the maintenance case and directed the petitioner to pay an amount of Rs. 2,000/- p.m. to the opposite party No. 2 and Rs. 1,000/- p.m. to the minor son from the date of filing of the maintenance case i. e. since 19-07-2010. Counsel for opposite party No. 2 has submitted that for non-payment of the maintenance amount, as directed by the Family Court, distress warrant was issued by the court below and a petition was filed in the court below for recall of the distress warrant which was rejected on 04-08-2014.

In the impugned order dated 04-08-2014, the court below has observed that the petitioner was directed to make payment of half of the dues amount of maintenance and thereafter, the order of issuance of D/W will be recalled but the petitioner did not make payment of the aforesaid amount. Counsel for opposite party No. 2 has submitted that since passing of the order for making payment of maintenance amount by the court below, not a single amount has been paid by this petitioner except an amount of Rs. 18,000/- in terms of order dated 19-03-2015. This court has observed in the order dated 19-03-2015 that the petitioner has submitted before this court that he is ready to deposit the dues amount of Rs. 72,000/- in installments but after making payment of first installment, he did not make payment of remaining three installments in compliance of order dated 19-03-2015.



In such circumstances, from the conduct of the petitioner it appears that he is in the habit of not complying the order of Family Court as well as of this court.

Therefore, this court does not find any illegality in the impugned order. Accordingly, this quashing petition is dismissed.

The court below is directed to take appropriate steps for recovery of the due amount from the petitioner.

If the petitioner becomes ready to make payment of due amount before the court below, the court below will pass orders for making payment of dues amount in installment in accordance with law.

(Sanjay Priya, J)

A.K.V./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05-12-2017
Transmission Date	05-12-2017

