

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1103 of 2016

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Smt. Kiran Devi daughter of late Sheo Balam Singh and wife of Sri Arbind Kumar Singh, resident of Nawada Ben, P.S. Udwanthnagar, District Bhojpur, at present resident at her Parent's house at village Bishanpura, P.S. Bihta, District-Patna.

.... Petitioner/s

Versus

Arbind Kumar Singh son of late Ram Parichhan Singh, resident of village Nawada Ben, P.S. Udwanthnagar, District Bhojpur superannuate from the post.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant, Advocate

For the Respondent/s : Mr. Rajani Ranjan Pd. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

10 22-03-2017

By the impugned order dated 08.01.2013, the court of learned Additional Principal Judge, Family Court, Patna has directed opposite party No. 2 to pay a sum of Rs. 2500/- as monthly maintenance allowance under Section 125 of the Code of Criminal Procedure to the petitioner. In addition, the opposite party has been asked to pay 15 per cent of post retiral dues, other than monthly pension as lump sum amount. From the impugned order, I find that the court below, as on the date of the order, found the pension payable to the opposite party No. 2 at the rate of Rs. 7660/-.

In such circumstance, direction by the court below to pay a sum of Rs. 2500/- as monthly maintenance allowance and 15



per cent of the pensionary benefits other than the pension, cannot be said to be such as would warrant interference by this Court.

Learned counsel for the petitioner has, however, submitted that even the amount in the order dated 08.01.2013 has not been paid and even the monthly maintenance allowance is not being given to her on regular basis.

Learned counsel for the petitioner has also submitted that the opposite party No. 2 has got employment in Bank and, is earning more in addition to the monthly pension, which he is getting on his retirement from Army service.

Learned counsel appearing on behalf of the opposite party has submitted that the opposite party shall pay the entire amount of arrears, as directed by the court below within a period of two months from today. He has however denied that the opposite party is engaged anywhere else after his superannuation.

Be that as it may, in view of the facts and circumstances and stand taken on behalf of the opposite party, this application is disposed of, without interfering with the impugned order, with an observation that the petitioner shall be at liberty to approach the court below by making appropriate application under Section 127 of the Code of Criminal Procedure, if in view of changed circumstances, the petitioner is entitled for higher



amount. I have taken notice of submission made on behalf of the petitioner that the petitioner has filed an application before the court below raising a grievance of non-payment of the amount awarded by the court below.

The Court expects that the opposite party will appear before the court below in the said proceeding either personally or through his counsel in order to inform the Court that he has paid all the amount.

Before parting with this order, I record appreciation for able assistance given by learned counsel appearing for the petitioner engaged through Patna High Court Legal Services Committee. It is observed that even for conducting a case before the court below, the concerned Legal Services Committee shall extend all the possible resistance to the petitioner.

(Chakradhari Sharan Singh, J)

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