

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.232 of 2016

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Kamal Kishore Son of Late Baidehi Sharan, resident of
House No. 430, Sitaramdara, Link Road, New Layout P.O.
Agrico, P.S. Sitaramdara, District Jamshedpur (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Nilam Kishore Wife of Kamla Kishore, Daughter of
Late Durga Shankar Bahadur, resident of Mohalla Sahmir
Takiya Gabrapar, P.S. Civil Lines, District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Adv.

For the State : Mr. M. Rab (APP)

For the O.P. No. 2 : Mr. Sanjeev Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 27-03-2018 A counter affidavit has been filed on behalf of the
opposite party No. 2 in Court. Let it be taken on record.

The petitioner has challenged the interim order
dated 20.01.2016, passed by the learned Principal Judge,
Family Court, Gaya in Miscellaneous Case No. 97 of 2013,
whereby the petitioner was directed to pay an amount of Rs.
12,000/- per month to opposite party No. 2 as interim
maintenance, till the disposal of the maintenance case.



A Bench of this Court *vide* order dated 10.05.2016, directed the court below not to take any coercive action against the petitioner in connection with Miscellaneous Case No. 97 of 2013, provided the petitioner paid Rs. 3,000/- per month to the opposite party No. 2 regularly.

It has been submitted on behalf of the parties that the aforesaid direction of the Court of paying Rs. 3,000/- regularly to opposite party No. 2 till the disposal of the case is being followed by the petitioner in the letter and spirit.

The petition as such is not maintainable today, but since it has been entertained by a Bench of this Court in the year 2016, this Court deems it appropriate only to direct the Family Court to dispose of the maintenance petition as expeditiously as possible, preferably within a period of six months from the date of the receipt/production of the present order.

However, in the meantime, the petitioner would be required to pay an amount of Rs. 6,000/- per month to the opposite party No. 2 from the month of April, 2018. This enhancement in the interim maintenance has been made by this Court by taking into account the relevant factors, listed below which have been brought to the notice of this Court.

It may be noted that the petitioner got married



to opposite party No. 2 sometimes in the year 1982. A happy relationship existed between the spouses. Two daughters were born out of the wedlock and both of them are now leading a happy married life. One of them has settled in the U.S.A.

The records further reveal that the petitioner had taken opposite party No. 2 to U.S.A., but for some reason or the other, he came back to India earlier than the opposite party No. 2. Though, an attempt has been made to demonstrate that the return ticket to opposite party No. 2 had been provided by the petitioner but the opposite party No. 2 preponed her trip and came back earlier than scheduled and lodged the present maintenance case against the petitioner.

Learned counsel for the petitioner has submitted that he had filed a petition for restitution of conjugal rights and is even today desirous of bringing back opposite party No. 2 to the matrimonial fold.

The opposite party No. 2 has a different story to narrate. Learned counsel appearing for the opposite party No. 2 has submitted that in the U.S.A. where she had visited the house of her daughter and son-in-law along with the petitioner, the cruel behaviour displayed by the petitioner, made his daughter and son-in-law request the petitioner to



leave the house at once. It was for this reason that the petitioner had to come back to India and the opposite party No. 2 could come to India only on the ticket arranged and managed by her daughter and son-in-law.

It has further been submitted on behalf of the opposite party No. 2 that with great efforts, she has been able to manage her two ends meet and that also with the help of her relatives. She is undergoing regular treatment for Diabetes and other ailments and is required to foot the medical expenses all by her own. She does not have any independent source of income.

An effort has been made by the petitioner also to indicate that his financial circumstances are straightened presently because of his having taken voluntary retirement but by counter affidavit, learned counsel for the opposite party No. 2 has brought on record the documents suggesting that the petitioner has received a total amount of Rs. 34,00,000/- by way of gratuity and other post-retiral dues.

Without going into the aforesaid details, the aforesaid order directing the petitioner to pay an amount of Rs. 6,000/-, as an interim measure, per month from the month of April, 2018 has been passed by this Court. This Court hopes and trusts that the Family Court, in *seisin* of the matter shall conclude the proceedings and pass a final order



within a period of six months as directed above.

With the aforesaid direction and observation, the present revision petition is disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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