

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.949 of 2015

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1. Shahab Alam @ Md. Sahab Alam, Son of Noorshid Alam Resident of Mohalla- Boro Airport Road, Police Station- Giridh Town, District- Giridh, State- Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar
2. Nahid Anjum Daughter of Md. Abul Khair resident of Village- Sharfuddinpur, P.O.- Painathi, P.S.- Bihta, District- Patna, State- Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Adv.

Mr. Md. Ataul Haque, Adv.

For the Respondent/s : Mr. Manish Kumar, Adv.

For the State : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-03-2018 The petitioner has challenged the order dated 02.11.2015 passed by the learned Principal Judge, Family Court, Patna in Maintenance Case No. 1867 (M)/2014, whereby the petitioner has been directed by the Family Court, as an interim measure, to pay a compensation of total amount of Rs. 15,000/- to the opposite party no. 2.

Learned counsel for the petitioner assailed the aforesaid order on two grounds; firstly, that the amount is excessive and that (ii) without considering any one of the parameters for assessing income of the petitioner, the aforesaid quantum of interim maintenance has been fixed.

A Bench of this Court by order dated 10.12.2015



issued notice to the O.P. No. 2 and as an interim measure directed the petitioner to pay half the amount so fixed by the Family Court regularly. The petitioner was also directed to deposit the arrears of the amount of maintenance, calculated @ half of the amount fixed by the learned Family Court, Patna within a period of four weeks from the date of receipt of the aforesaid order.

Mr. Rajendra Narain, learned senior Advocate submits that till date, the petitioner has been paying the aforesaid amount of 7,500/- to the O.P. No. 2 and has been participating in proceedings before the learned Family below.

Learned counsel appearing for the O.P. No. 2 does not dispute the aforesaid fact and submits that some of the witnesses have already been examined by the Family Court.

This Court does not wish to express any opinion on the maintainability of this petition as it has already been acted upon. However, since the proceedings before the Family Court are continuing and the petitioner has been paying half of the amount so fixed by the Family Court as an interim maintenance, this Court only directs the Family Court to conclude the proceedings without any unnecessary delay.

The petitioner also is directed to continue to pay half the amount, i.e. Rs. 7,500/ to the O.P. No. 2 till the final



conclusion of the proceedings in the maintenance case.

The order passed by this Court shall be subject to the final order passed by the learned Family Court.

With the aforesaid direction, the revision petition is disposed off.

(Ashutosh Kumar, J.)

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