

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.954 of 2015

=====

1. Satish Sardar Son of SRi Lal Sardar Residence of village - Pipra Bejbar (Bejbar), P.S. Palasi, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

2. Mamta Devi D/o Suryanand Mandal, W/o Satish Sardar Resident of village - Bajbar, P.S. Palasi, District - Araria

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Respondent/s : Mr. Binod Kumar No. 3 (App)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-03-2018

The petitioner has challenged the order dated 18.03.2015

passed by the learned Principal Judge, Family Court, Araria in Maintenance Case No. 188/2013, whereby the petitioner has been directed to pay a monthly amount of Rs. 3,000/- to the Opposite Party No. 2 towards her maintenance, from the date of filing of the petition for maintenance, i.e. from 15.07.2013.

Learned counsel for the petitioner has drawn the attention of this Court to the impugned order and has submitted that the order is *ex parte*. He further submits that he never received any notice from the Family Court otherwise he would have appeared in the proceedings.

Learned counsel for the O.P. No. 2, however, has submitted that the petitioner was taken into prison for not having complied with the final order passed by the Family Court and thereafter he made payments of Rs. 5,000/- only in one instance and thereafter has not paid any amount to the O.P. No. 2, who has been rendered



absolutely without any support in her life.

Though, the petitioner has disputed the unilateral statement of O.P. No. 2 about the petitioner earning a huge amount of money as a labour contractor at Punjab, but has agreed to pay an amount of Rs. 2,000/- per month to the O.P. No. 2. The aforesaid offer of the petitioner has been accepted by the learned counsel appearing for the O.P. No. 2.

The final order passed by the Family Judge is, thus modified to the extent as indicated above.

The petitioner shall pay to the O.P. No. 2 an amount of Rs. 2,000/- per month regularly, without fail, from the month of January, 2018. The arrears of the maintenance shall be calculated @ Rs. 2,000/- from 15.07.2013 and would be paid to the O.P. No. 2 in 12 equal monthly installments, after deducting Rs. 5,000/- which has already been paid by the petitioner.

The O.P. No. 2 would be at liberty to approach the court below for execution of the aforesaid order.

The mode of payment shall be subject to the convenience of both the parties.

The revision petition is partially allowed with the aforesaid modification in the quantum of maintenance.

(Ashutosh Kumar, J.)

Rakhi

U		T	
---	--	---	--

