

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.48 of 2016

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Sanjay Kumar Singh, Son of Late Tribhuwan Singh, R/o
Mohalla- New Bahadurpur, P.S.- Bahadurpur, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Deep Shikha @ Ruby Devi, daughter of Sri Nityanand Singh, resident of Mohalla- Chitragupta Nagar, Munna Chowk, P.S.- Patrakar Nagar, District & Town- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, adv.

For the O.P. No. 2 : Mr. Vijay Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 30-03-2018 The present petition has been filed against an ad-interim order dated 13.05.2015, passed by the learned Additional Principal Judge, Family Court, Patna in Maintenance Case No. 246 of 2010, whereby the petitioner has been directed to pay to the opposite party No. 2, an amount of Rs. 3,000/- per month.

Though the present petition is not maintainable in view of the bar under Section 19(4) of the Family Courts Act, 1984, but since the petition has been entertained since



2016, it would not be proper to reject the same on the ground of maintainability alone.

The major contention of the petitioner is that on grounds of adultery, a decree of divorce was passed on 09.12.2011, which decree was never challenged by the opposite party No. 2. Simultaneously, the petitioner has also stated that opposite party No. 2 has married a person by the name of Basant Choubey and is leading a happy married life. In that event, the opposite party No. 2 is not entitled for ad-interim maintenance by the Family Court.

It has further been submitted on behalf of the petitioner that despite his having raised these grounds before the learned Family Court, the same has not at all been taken into account.

In that view of the matter, the order dated 13.05.2015 is set-aside and the matter is remitted to the learned Additional Principal Judge, Family Court, Patna. This Court says so also for the reason that a Bench of this Court, while hearing this petition, *vide* order dated 29.02.2016, directed that during the pendency of the revision petition, no coercive steps shall be taken against the petitioner.

The petitioner shall approach the learned Additional Principal Judge, Family Court, Patna, who is in *seisin* of Maintenance Case No. 246 of 2010, and bring to his



knowledge all the grounds which he has raised in the present petition.

Should such an application be filed within a period of four weeks from today, the Family Court, after hearing the parties and receiving evidence in that regard, shall pass a final order in accordance with law without any unnecessary delay.

With the aforesaid direction, the present petition stands disposed of.

(Ashutosh Kumar, J)

Praveen-II/-

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