

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.863 of 2015

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Nikhil Kumar Jha, S/o Late Indrakant Jha, R/o Village and Post- Sakhawar, P.S.- Manigachi, District- Darbhanga, presently residing at Mohalla- Balbhadrapur, Post and P.S.- Laheria Sarai, District- Darbhanga.

.... Petitioner/s

Versus

Pushpa Jha, W/o Late Anil Kumar Jha, R/o Village and Post- Sakhawar, P.S.- Manigachi, District- Darbhanga, presently residing at Mohalla- Balbhadrapur, Post and P.S.- Laheria Sarai, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Adv.

For the State : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 26-03-2018 The petitioner is aggrieved by the final order dated 16.04.2015, passed by the learned Principal Judge, Family Court, Darbhanga in Maintenance Case no. 54 of 2010, whereby he has been directed to pay an amount of Rs. 2,500/- per month to the opposite party and Rs. 1,000/- additionally, towards the maintenance of her minor son, viz. Rishi Kumar Jha, born out of the wedlock with the petitioner.

The impugned final order reveals that after the



death of her husband, the opposite party married the petitioner who is the younger brother of her late husband. Out of the wedlock, a son was born. For few years she was maintained properly but later, she was neglected on all fronts.

The Family Court has taken into account the deposition of the witnesses and has assessed that the opposite party was married to the petitioner, which marriage cannot be said to be void in the eyes of law. The petitioner is bound to maintain his wife and child. The court below also took note of the fact that the pass-books of the late husband of the opposite party was also taken by the petitioner and now nothing is being paid to her.

This Court finds no reason to interfere with the final order impugned.

This petition is, thus, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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