

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1217 of 2017

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Ranjeet Prasad Verma, S/o Singheshwar Sao, R/o Kajichak,
P.S. Barh, Distt.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanju Devi, W/o Ranjeet Prasad Verma, D/o Bhuneshwar
Sao, residing at Village Aure, P.S. Ramgarh Chauck, Distt.-
Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.

For the State : Mr. Mr. Aslam Ansari, APP

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 30-03-2018 The learned Principal Judge, Family Court,
Lakhisarai *vide* his final order dated 19.01.2016, passed in
Maintenance Case No. 05 of 2014, directed the petitioner to
pay an amount of Rs. 7,000/- per month to the opposite
party No. 2 towards her maintenance from the date of
passing of the order.

Mr. Mahendra Thakur, learned Advocate for the
petitioner submits that the aforesaid order has been passed
ex-parte and, therefore, there was no opportunity to the



petitioner to put up his case before the learned Family Court. It has further been submitted on behalf of the petitioner that the assessment of income of the petitioner has not been done before fixing the quantum of maintenance. That apart, it has also been submitted that the petitioner was married to opposite party No. 2 about 30 years ago and the opposite party No. 2, after the break of the matrimonial relationship, has been staying with her son, who is a major and is gainfully employed.

The aforesaid contention of the petitioner is refuted by Mr. Pankaj Kumar Sinha, learned Advocate for the opposite party No. 2.

Regard being had to the fact that there has not been any assessment of the income of the petitioner by the court below, of course, because of his non-appearance, this Court deems it appropriate to remit the matter to the learned Family Court for giving a fresh hearing to the parties, on receipt/production of a copy of the present order by either of the parties.

Once the parties appear before the concerned Family Court, necessary orders shall be passed after receiving evidence in that regard.

In the meantime, the petitioner shall continue to pay to the opposite party No. 2, a monthly amount of Rs.



3,500/- per month from the month of January, 2016. The arrears of the amount, calculated @ Rs. 3,500/- per month from 19.01.2016 (the date of passing of the order), shall be paid to the opposite party No. 2 within a period of six months in equal installments.

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

(Ashutosh Kumar, J)

Praveen-II/-

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