

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2536 of 2018

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1. Parvej Egbal @ Parwej Equabla, Son of Azahar Hussain @ Md. Azhar, resident of Village- Bargachhia Sheikh Toli, Police Station- Bairiya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjeeda Khatoon, Wife of Parwej Egbal, daughter of late Mazahar Alam, resident of Village- Bargachhia Sheikh Toli, Police Station- Bairiya, District- West Champaran, at present resident of Village- Madhopur, Police Station- Chiraiya, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2018 This application is filed on a total misapprehension on the part of the petitioner.

By the impugned order dated 11.09.2017, the learned Principal Judge, Family Court, East Champaran at Motihari has awarded a maintenance amount of Rs.6,000/- per month to the petitioner wife which is payable by the husband by 15th day of every succeeding month with effect from 1st September, 2017. So far as the impugned order is concerned, learned counsel for the petitioner is not assailing the said order on any ground whatsoever save and except to say that the learned Court below while directing the petitioner to pay a sum of Rs.6,000/- per month has



not taken into consideration the fact that by virtue of the order dated 15.12.2015 passed in Cr. Misc. No. 38563 of 2015 by this Court directing the petitioner to pay a sum of Rs.3,000/- per month as ad-interim maintenance subject to result of the Matrimonial Case, now the said payment made by the petitioner is required to be adjusted.

In the opinion of this Court, there was no need for the learned Principal Judge, Family Court, East Champaran at Motihari to say anything with regard to the amount paid by the petitioner by virtue of the order passed by this Court in Cr. Misc. No. 38563 of 2015 because in the said order there is already a stipulation present that “the aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings.”

Now, by virtue of the order of the learned Principal Judge, Family Court, East Champaran at Motihari the petitioner is required to pay a sum of Rs.6,000/- per month with effect from 1st September, 2017 whatever payments have been made by the petitioner in terms of the order of this Court in Cr. Misc. No. 38563 of 2015 will be deducted while calculating the balance payment to be made to the O.P. No. 2.

It appears that the order dated 11.09.2017 has not been



complied with by the petitioner during the pendency of this application. Now, the petitioner must comply with the order in its terms and spirit by making the entire payment as aforesaid within a period of 30 days from the date of this order failing which the O.P. No. 2 shall be within her right to file an appropriate application including an application seeking initiation of contempt proceeding.

For the aforesaid period of 30 days the distress warrant issued against the petitioner shall not be executed but in no case the period of 30 days shall be extended and in case payment is not made, the distress warrant be executed against him.

The application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha./-

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