

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.905 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Nalanda

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Sudhanshu @ Sudhanshu Rastogi, son of Subhash alias Dr. Subhash Rastogi, resident of 91, Mandir Masjid Chowk, Nangali Sayeed, Paschim Vihar, New Delhi.

... .. Petitioner/s

Versus

1. Janbi Rastogi Wife of Suryanshu Rastogi and Daughter of Anand Prakash Rastogi
2. Krishna Rastogi son of Suryanshu Rastogi Both residents of Mohalla- Aboo Nagar, P.S.- Kotwali Police Chowki, G.T. Road, Fatehpur, District- Fatehpur, State- Uttar Pradesh At present resident of Mathuria Mohala, Police Station Laheri, Post Office- Bihar Sharif District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 16-07-2018 The petitioner seeks setting aside of the order dated 01.07.2015, passed by the Learned Principal Judge, Family Court, Nalanda at Bihar Sharif, in Maintenance Case No. 103 M of 2014, whereby he has been directed to pay to the opposite party an amount of Rs. 6,000/- (six thousand) per month towards her maintenance.

Mr. Najmul Hoda, learned Advocate for the petitioner has, in the first instance, submitted that there is a typographical error in the order, as the husband of opposite party is not the petitioner but one Suryanshu Rastogai, who is the brother of the petitioner. This would be evident from the maintenance petition



filed by the Opposite Party No. 1 before the learned Family Court.

That apart, the order is sought to be quashed on the ground that now the opposite party has settled her differences with her husband, namely, Suryanshu Rastogi, and has been living with him happily in her matrimonial home.

No dispute now remains to be settled. The aforesaid facts have been noted down in the counter affidavit filed on behalf of the Opposite Party No. 1.

Learned counsel for the petitioner as well as the Opposite Party No. 1 have unanimously stated before this Court that there is no need of any order regarding maintenance of Opposite Party No. 1 in view of the settlement and the O. P. No. 1 residing with her husband.

Regard being had to the aforesaid facts, the order dated 01.07.2015 is hereby set aside.

This application is accordingly allowed.

(Ashutosh Kumar, J)

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