

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.676 of 2015

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Santosh Kumar, Son of Shri Markenday Mishra, At -
Panchhaur, P.S. - Riga, Distt. - Sitamarhi.

.... Petitioner/s

Versus

1. Anita Devi @ Anita Kumari, W/o of Sri Santosh Kumar.
2. Aditi Kumari @ Dhiti Kumari, D/o Santosh Kumar.
Both Residence of village - Panchhaur, P.S. - Riga, Distt. -
Sitamarhi.

.... Respondent/s/Opposite Party/s

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Appearance :

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

For the O.Ps. : Mr. Alok Kr. Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 12-04-2018 The petitioner was directed by the learned
Principal Judge, Family Court, Sitamarhi by his order dated
08.07.2015, to pay to the opposite parties, an amount of Rs.
15,000/-, in all. The aforesaid order was passed in
Miscellaneous Case No. 92 of 2011.

This Court *vide* order dated 10.09.2015, issued
notice to the opposite parties and directed that till further
orders, the petitioner would be required to deposit a sum of
only Rs. 8,000/-.

During the pendency of this petition, because of



his disability, the petitioner was retrenched from service. Today, the petitioner does not have the means to pay even Rs. 8,000/-.

Learned counsel for the opposite party No. 2, however, has very fairly stated that pursuant to the interim order passed by this Court, payments were made for few months but later the same was stopped for no apparent reason. It has further been submitted that the grounds which are being raised for here before this Court are not good enough for setting aside the final order passed by the Family Court which has taken into account all the materials and evidences for assessing the income of the petitioner and the requirement of payment of maintenance to the opposite parties.

However, the learned counsel for the opposite party No. 2 is not in a position to controvert the aforesaid submission of the petitioner that because of the disability of the petitioner, he is no longer in his job.

This is a new circumstance which has arisen and entitles the petitioner to approach the Family Court and seek an order, if the grounds are found to be genuine and correct, rescinding/revoking or varying the final order passed by the Family Court.

Learned counsel for the petitioner, in such



circumstances, seeks permission to withdraw the present petition in order to prefer an application under Section 127 Cr.P.C. before the learned Family Court.

Should such an application be filed by the petitioner within a period of four weeks from today, the learned Court below shall, after noticing the parties and taking evidence in that regard, pass necessary orders in accordance with the law.

The present revision petition is dismissed as withdrawn with the aforesaid liberty and direction.

(Ashutosh Kumar, J)

Praveen-II/-

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