

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.397 of 2015

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1. Smt. Sangita Sao wife of Sri Lakhi Sao, Daughter of Ashok Sao resident of Mohalla Rajendra Nagar, P.o. & P.s Nawada , District- Nawada(Bihar)

.... Petitioner/s

Versus

1. Sri Lakhi Sao Son of Nandu Sah resident of Baruipara, Holding no. 36, B.L. No. 21, R.L.B. line, P.s Jagaddal, District North 24 Pergans (West Bengal)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 25-01-2018

Heard the learned counsels for the parties.

The petitioner is aggrieved by the order dated 09.04.2015 passed by the learned Principal Judge, Family Court, Nawada in Miscellaneous Case No. 50/2007, whereby the Family Court has only directed opposite party to pay Rs. 3,000/- each to the two children of the petitioner and has not accorded any compensation to her.

From the order impugned, it appears that prior to the marriage of the petitioner with the opposite party, she was married to another person. One child was also born out of the earlier wedlock. It further appears that a divorce case was filed by the opposite party, which was decreed *ex parte*. As against the aforesaid order of dissolution of marriage of the petitioner with the



opposite party, a petition under Order 9 Rule 13 of the C.P.C. has been preferred by the petitioner for rescission of the *ex parte* judgment and decree of divorce in favour of the opposite party. Apart from this, the Family Court has given thoughtful consideration over the facts in this case and has come to the conclusion that the petitioner is in a position to maintain herself. For saying so, the Family Court has relied upon various documents on record which disclosed that the petitioner has sufficient means to maintain herself. The petitioner has acquired property and has also received money from various sources.

This Court does not feel the requirement/necessity to interfere with the order passed by the Family Court.

In case, the opposite party does not pay the amount of Rs. 3,000/- to the children of the petitioner, it would be open for her to approach the Family Court and seek all coercive steps against the opposite party for ensuring the payment of the maintenance amount to her children.

With the aforesaid observation, the present revision petition is dismissed.

(Ashutosh Kumar, J.)

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