

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.323 of 2015

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Md. Akhtar Son of Md. Tasiruddin @ Huku resident of Village
- Dharam Dangi, P.S. - Abadpur, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajmera Khatun Wife of Md. Akhtar D/o Md. Azim
3. Ruksana D/o Md. Akhtar, Minor under the guardianship of mother Ajmera Khatun (O.P. No. 2) (2) and (3) are residents of Village - Sikarpur, Chain Tola P.S. Abadpur, District - Katihar.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Smt.Pushpa Sinha - 2 (App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 18-06-2018 Heard learned counsel for the parties.

The petitioner, who is the husband of complainant/O.P. No. 2 is aggrieved by the order dated 13.01.2015 passed by the learned Principal Judge, Family Court, Katihar in Maintenance Case No. 191 of 2010 whereby he has been directed to pay a total amount of Rs. 2000/-(two thousands) per month for the maintenance of O.P. Nos. 2 and 3 (O.P. No. 3 being the minor daughter of the petitioner and O.P. No. 2).

The sole ground for challenge is that despite insistence of the petitioner, the O.P. No. 2 is not willing to join the matrimonial fold and that also without any reason.



Apart from this, a general argument has been advanced that since the petitioner is working as a daily wage labouror, he would not be in a position to pay Rs. 2000/- per month towards maintenance of O.P. Nos. 2 and 3.

Mr. Md. Musowir, learned advocate appearing for O.P. No. 2, however has submitted that both the contentions of the petitioner are not acceptable. He has argued that the denial of O.P. No. 2 to join the matrimonial fold is not without any reason. The petitioner has chosen to marry another lady and it is difficult for O.P. No. 2 to now go and live with the petitioner. So far as the financial stringency of the petitioner is concerned, Mr. Musowir submits that had this fact been true, the petitioner would not have chosen to add to the number in his family by marrying another lady.

Considering the aforesaid facts as stated above, no interference can be made with the final order dated 13.01.2015 passed by the leaned Principal Judge, Family Court, Katihar in Maintenance Case No. 191 of 2010.

As such, the present petition being without merits is dismissed.

(Ashutosh Kumar, J)

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