

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.183 of 2015

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Md. Ghulam Mustafa Ansari @ Md. Mustafa Ansari S/o Peer Mohammad
Resident of village - Shekhpura, P.S. Goh, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Jisan Ali S/o Md. Ghulam Mustafa Ansari @ Mustafa Ansari
Resident of village - Shekhpura, P.S. Goh, District - Aurangabad and at
Present residing at village - Sjerpur, P.S. Karpi, District - Arwal

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh

For the Respondent/s : Mr. Ram Bachan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 30-01-2018

The petitioner has challenged the judgment and order dated 22.01.2015 passed by the learned Principal Judge, Family Court, Jehanabad in Maintenance Case No. 54 of 2008, whereby the petitioner has been directed to pay to the opposite party No. 2, his minor son, an amount of Rs. 4000/- per month, till the time he is in a position to stand on his legs and fend for himself. The aforesaid amount of maintenance has been directed to be paid from 25.10.2013. The arrears of maintenance have also been directed to be paid within two months of the passing of the order impugned.

Learned counsel for the petitioner has submitted that opposite party No. 2 is a major but he has wrongly been projected as being less than eighteen years.

From perusal of the records, it appears that the



date of birth of the opposite party No. 2 is 5th of August, 1999. This makes him little above eighteen years of age, but there is no statement that opposite party No. 2 is in a position to maintain himself.

Learned counsel for the petitioner has also drawn the attention of this Court to the fact that from the maintenance petition itself, it would appear that the mother of opposite party No. 2 was thrown out from the house after about twenty five years of marriage and in the meantime, the opposite part No. 2 was born. The petitioner has, therefore, doubted the genuineness of the certificate annexed as Annexure-5 which records his date of birth as 5th of August, 1999.

Annexure-5 is the school transfer certificate of a Government Primary School and there is no reason for this Court to doubt the same.

For the reasons aforesaid, this Court does not find any fault with the order and as such is not inclined to interfere with the same.

The revision petition is, accordingly dismissed.

(Ashutosh Kumar, J)

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