

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.772 of 2015

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Md. Sohil son of Md. Mustaque Resident of Village- Satbitta, Chaityadhar,
P.S. Jokihat, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Fatma Khatoon D/o Abdul Bahab, W/o Md. Sohil
3. Md. Sahil S/o Md. Sohil and Bibi Fatma Khatoon, minor child under guardianship of Bibi Fatma Khatoon (O.P. No.2), both resident of Village- Bhansiya, P.S.- Mahalgaon (Jokihat), District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Advocate

For the Respondent/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-02-2018 The petitioner has challenged the final order dated 23.7.2014 passed by the Principal Judge, Family Court, Purnia ex-parte whereby he has been directed to pay to the opposite parties a total amount of Rs.5,000/- per month from the date of filing of the application.

Learned counsel for the petitioner has submitted that though, on record, notices were issued but there was no service of such notice and therefore he could not appear before the Court.

Be that as it may, this Court has been informed that the petitioner has been paying an amount of Rs.2,000/- per month to the opposite parties.

Learned counsel appearing for the opposite parties is present in Court does not dispute the aforesaid fact.



As such, this Court deems it proper to set aside the order dated 23.7.2014 and remit the same to the learned Principal Judge, Family Court, Purnea for writing out a fresh order in accordance with law after hearing both the parties afresh, giving opportunity to the petitioner to adduce evidence with respect to his financial strength.

It is however made clear that in the meanwhile, the petitioner shall continue to pay Rs.2,000/- to the opposite parties without fail and shall produce evidence of payment of the aforesaid amount before the learned Principal Judge, Family Court, Purnea. The Principal Judge, Family Court, Purnea shall pass a reasoned/final order within a period of three months from the date of production/communication of the present order.

With the aforesaid observation, this revision petition stands disposed off.

This Court has been informed that after the creation of Family Court, Araria, the case has been transferred to the judgeship of Araria. In that view of the matter, the directions given by this Court shall be carried out by the Principal Judge, Family Court, Araria.

(Ashutosh Kumar, J)

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