

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.367 of 2016

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Rahmatullah Ansari, son of Mohd. Rais, Resident of village- Balia, P.S.-
Maharajganj, District- Siwan.

... .. Opposite Party/Petitioner/s

Versus

Syeda Khatoon, daughter of Mohd. Ansari, resident of village- Ushari, P.S.-
G.B. Nagar, District- Siwan.

... .. Petitioner/Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Javed Aslam, Advocate
For the Respondent/s	:	Mr. Ajay Kumar, Pandey, Advocate
		Mr. Chandan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 16-05-2019

This revision application has been filed against the order dated 08.12.2015 passed in Misc. Case No.15 of 2008 passed by the Principal Judge, Family Court, Siwan allowing the petition under Section 125 of Cr.P.C. filed by the applicant/opposite party and directed the petitioner to pay Rs.2500/- per month to the opposite party as a maintenance.

The ground for assailing the order is that the petitioner who is the opposite party no.2 in the maintenance case, has filed a petition before the learned court below that the applicant/opposite party herein has already married with another person in the year 2012, but in spite of that considering the aforesaid application filed by the petitioner, the maintenance case has been allowed directing the petitioner to pay Rs.2500/- per month and as such, the order



not only suffers from impropriety but also appears to be patently illegal and without jurisdiction.

Heard learned counsel for the petitioner as well as learned counsel for the opposite party.

In course of arguments, learned counsel for the opposite party, who was applicant in the maintenance case, has also admitted that she has married with another persons.

It appears that in spite of a petition being filed by petitioner in the maintenance case i.e. Misc. Case No.15 of 2008 that the opposite party no.2 had married with another person, the learned court without passing any order on the same and even without considering the same, passed the impugned order.

As such, the impugned order suffer from impropriety and patent illegality, thus it can not be sustained on the above limited question. Hence, the impugned order dated 08.12.2015 passed in Misc. Case No.15 of 2008 passed by the Principal Judge, Family Court, Siwan, is set aside.

Accordingly, this revision application stands allowed.

(Vinod Kumar Sinha, J)

sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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