

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.272 of 2016

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

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Jamun Yadav, Son of Late Kailu Yadav, Resident of Village – Doriya, P.S-
Dagarua, District - Purnea

... .. Petitioner/s

Versus

State Of Bihar

Dhouli Devi, Wife of Jamun Yadav, daughter of Makai Yadav, Resident of
Village – Kanhaiya, P.S. - Dagarua, District - Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv.
For the Respondent/s	:	Mr.Dr. Ravindra Kumar, App
For the O.P. No. 2	:	Mr. Pankaj Kumar Sinha, Adv.
		Mr. Rounak Kumar Singh, Adv.
		Mr. Kamal Kishor Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-04-2019 Heard both sides.

This revision application has been filed against the order dated 29.01.2016 passed by the Principal Judge, Family Court, Purnea in Maintenance Case No. 11 of 2012, by which, the learned the Principal Judge, Family Court, Purnea has allowed the above stated maintenance case filed by opposite party no. 2 under Section 125 Cr.P.C. and has directed the petitioner to pay Rs. 3,000/- (Rs. Three Thousand) per month to opposite party no. 2 as maintenance from the date of filing of the maintenance case.

It further appears that a coordinate Bench of this Court, while issuing notice to opposite party no. 2 vide order



dated 20.03.2018, has directed the petitioner to pay Rs. 1500/- (Fifteen Hundred) per month as an interim measure.

Ground taken by the petitioner for assailing the impugned order passed by the learned Principal Judge, Family Court, Purnea is that in view of the compromise between the parties as per the Panchayati, the petitioner executed a sale deed of 52 ½ decimals of land in favour of opposite party no. 2 for her maintenance but in spite of that she has filed the case for maintenance in the court of learned Principal Judge, Family Court, Purnea and the learned Principal Judge, Family Court, Purnea without considering the above facts, has allowed the maintenance case filed by opposite party no. 2 directing the petitioner to pay Rs. 3,000/- (Rs. Three Thousand) per month to opposite party no. 2.

On the other hand, opposite party no. 2 has appeared and submitted that in spite of direction to pay Rs. 1500/- (Rs. Fifteen Hundred) as an interim measure, not a single penny has been paid by the petitioner. Furthermore, though it is the case of of petitioner that he executed a sale deed of 52 ½ decimals of land in favour of opposite party no. 2, however, the land in question is still in possession of the petitioner, which will appear from the evidence of D.W.1 and D.W.2 and further so far factum



of award of maintenance by the learned Principal Judge, Family Court, Purnea is concerned, D.W. 1 has himself stated that petitioner spends Rs. Nine to ten thousand per month on his family and considering the same, the order has been passed and, therefore, there is no illegality in the impugned order.

Having heard both sides, from perusal of the record it appears that though opposite party no. 2 has admitted that 52 ½ decimals of land has been executed by the petitioner in favour of opposite party no. 2 in lieu of a compromise between the parties in a case filed by opposite party no. 2 under Section 498A of the Indian Penal Code and opposite party no. 2 has stated that she is not in the possession of the said land and the said fact also corroborated by the evidence of D.W.1 and D.W.2 that disclose that it is the petitioner, who is in possession of the said land and also cultivating the same. It further appears that evidence of D.W.1 shows that the petitioner spends Rs. Nine to ten thousand per month upon his family members. On the other hand petitioner did not choose to appear in the dock to be examined in this case.

Considering the aforesaid facts and circumstances, the finding recorded by the learned Principal Judge, Family Court, Purnea appears to be just and proper and does not require any



interference by this Court.

Accordingly, the instant revision application stands dismissed.

It has been submitted by learned counsel for opposite party no. 2 that in spite of direction, not a single penny is being paid by the petitioner. Opposite party no. 2 is at liberty to move before the learned Principal Judge, Family Court, Purnea and file a petition for realization of the arrears of maintenance as well as the current maintenance and the learned Principal Judge, Family Court, Purnea is directed to pass an appropriate order within a period of two months.

(Vinod Kumar Sinha, J)

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