

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 16 of 2018

Arising Out of Maintenance Case No.- 63Year-2015 Thana- Behala District- Kolkata

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Arun Kumar Singh, S/o Sri Devendra Prasad Singh, resident of Village- Parsa, PO- Kudarbadha, Via- Basant, PS- Garkha, District- Saran, at present residing at Devendra Prasad Singh through Nirmal Sah, K.D. Mukherjee Road, PO- Parnashri, PS- Behala, Kolkata- 700060.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt Annu Devi @ Annu Singh, Wife of Arun Kumar Singh, D/o Dinesh Singh, resident of Village- Parsa, PO- Kudarbadha, Via- Basant, PS- Garkha, District- Saran, at present residing at Dinesh Prasad through Ramesh Prasad Singh of Village- Adapur Damodar Nagar Mekarti, P.S. Sadar, District- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Atul Shankar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 25-06-2019

Prayer is made on behalf of learned counsel for the petitioner for time. Learned APP for the State is present.

2. The Court finds such prayer to be unreasonable for the reason that the matter has been coming up for quite some time. On the last occasion on 23.04.2019, nobody had appeared on behalf of the petitioner.



3. When the Court asked learned counsel to assist in the matter, he declined. Accordingly, the Court has proceeded to hear learned APP.

4. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984 for the following relief:

“That the present application is being preferred on behalf of the petitioner above said for setting aside the order dated 12.06.2017 passed in Maintenance Case No. 63/2015 by the court of Principal Judge, Family Court, Vaishali at Hajipur whereby petition filed by the Opposite Party No.- 2 herein U/s 125 of the Code of Criminal Procedure was allowed and directed the opposite party (petitioner herein) to give Rs. 5,000/- per month to the opposite party (herein).”

5. Perusal of the record shows that before the Court below in Maintenance Case No. 63 of 2015, filed by the opposite party no. 2, six witnesses were examined on her behalf whereas the petitioner did not lead any evidence. From the order impugned, it is clear that the same has been passed after appearance of the petitioner who had also filed his show cause and after hearing him. Further, the witnesses on behalf of the opposite party no. 2 have consistently stated that the petitioner being the husband was earning a substantial amount. There is no rebuttal on such fact and also the fact that Rs. 5,000/- per month today is an amount which is neither exorbitant nor unjustified.



6. Thus, looking at the issue in totality, the Court does not find any illegality in the order impugned so as to warrant interference.

7. Accordingly, the application stands dismissed.

8. The Lower Court records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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