

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.231 of 2018

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

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Ram Bilash Yadav, son of Jibachh Yadav, Resident of Village- Mansara,
Police Station- Ghanshyampur and District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramo Devi, Daughter of Late Jiyalal Yadav, Resident of Village- Jogmani,
Police Station- Bahera and District- Darbhanga.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-09-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has moved the Court under Section
19(4) of the Family Courts Act, 1984, against the order dated
14.12.2017, passed by the Sessions Judge, Darbhanga in Cr.
Appeal No. 34 of 2017, by which the order dated 08.05.2017
passed by the Sub Divisional Judicial Magistrate, Biraul in
Miscellaneous Case No. 1 of 2014, has been modified and the
petitioner directed to pay Rs. 1,000/- per month as interim
maintenance to the opposite party no. 2, instead of Rs. 2,500/-



3. Learned counsel for the petitioner submitted that the opposite party no. 2 is not his wife as she is already married and has grown up children.

4. Learned APP submitted that the order is interim in nature and the petitioner still has the opportunity to get the fact thrashed out as to whether the opposite party no. 2 is his wife by bringing sufficient material and examining relevant witnesses.

5. Faced with the situation, learned counsel for the petitioner submitted that the application be disposed off with liberty to the petitioner to contest the Miscellaneous Case No. 1 of 2014 and get the same taken to its logical conclusion. It was prayed that the Court may fix a time frame so that the matter does not linger unnecessarily.

6. Having regard to the aforesaid, the application stands disposed off with liberty to the petitioner to contest the Miscellaneous Case No. 1 of 2014, pending before the Sub Divisional Judicial Magistrate, Biraul. However, in view of the dispute and the stand taken on behalf of the petitioner, the Court finds that the ends of justice would be served with a direction to the Court concerned to decide the matter expeditiously and in any case within six months from the date of production of a copy of this order.



7. The petitioner shall also be at liberty to move the Court below with regard to fixing installments for paying of arrears to the opposite party no. 2.

(Ahsanuddin Amanullah, J.)

P. Kumar

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