

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.108 of 2018

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Md. Shakiluddin Shahid, Son of Late Sultan Ahmad, resident of Village-
Banswari, P.S. Araria, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bibi Shima Perveen, Wife of Md. Shakiluddin Shahid, Daughter of Md. Shokat Ali.
3. Abu Shalman Saif, Minor Son of Md. Shakiluddin Shahid under guardianship of Bibi Shima Perveen, Both resident of Village- Khariyabatti, Ward No. 10, Nagar Palika, Araria, P.S. +District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :
For the State : Mr. Md. Arif, APP
For the O.Ps. No. 2 & 3 : Mr. Sanjay Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 21-10-2019

Nobody appears on behalf of the petitioner. Learned APP for the State and learned counsel for the opposite parties no. 2 and 3 have assisted the Court.

2. By order dated 21.06.2019, the petitioner was directed to file his salary slip. The same was not done. However, the Court had made an effort towards reconciliation and on prayer made by learned counsel for the parties had sent the matter for mediation to be held at the local level at Araria.

3. A report has been submitted by the learned Mediator in which it has been stated that the mediation failed because the



petitioner had not appeared before the Mediation Centre for six consecutive dates fixed.

4. The Court finds the conduct of the petitioner to be totally unacceptable. On a joint prayer made by learned counsel, the Court had sent the matter for mediation and it was incumbent on the petitioner to appear before the learned Mediator.

5. Accordingly, the Court has gone into the merits of the matter.

6. The petitioner has moved the Court against the order dated 15.12.2017 passed by the Principal Judge, Family Court, Araria in Maintenance Case No. 06 of 2015 by which monthly maintenance of Rs. 3,000/- in favour of opposite party no. 2, who is the wife of the petitioner, and Rs. 1,000/- in favour of the opposite party no. 3, who is the minor son, had been passed.

7. By order dated 30.03.2018, the Court had issued notice to the opposite party no. 2 and in the meantime had directed the petitioner to pay Rs. 2,000/- per month to the opposite parties no. 2 and 3.

8. In the aforesaid background, the Court finds that the petitioner working in the post office, the quantum of Rs. 3,000/- plus Rs. 1,000/-, the total being Rs. 4,000/- per month fixed in



favour of opposite parties no. 2 and 3, in the considered opinion of the Court, is most reasonable and just.

9. Accordingly, the application stands dismissed.

10. The petitioner shall be liable to comply with the order impugned and also pay arrears relating to payment of remaining Rs. 2,000/-, as had earlier been directed by the Court in its order dated 30.03.2018. Thus, the order impugned dated 15.12.2017 is required to be complied with in its totality, including the quantum of monthly maintenance fixed by the Court.

11. The Court below shall ensure that the payment is made in terms of the order dated 15.12.2017, along with up-to-date arrears within two months and thereafter it shall be ensured that the petitioner keeps paying Rs. 4,000/- to the opposite parties no. 2 and 3 per month.

(Ahsanuddin Amanullah, J)

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