

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 366 of 2018

Along with
Interlocutory Application No. 1122 of 2018

Arising Out of Matrimonial Case No.- 96 Year- 2015 Thana- District- Araria

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Fulchand Rishideo Son of Khattar Rishideo Resident of Village- Kharhat,
Police Station- Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Devi, Wife of Fulchand Rishideo, daughter of Tirthanand Rishideo.
3. Neha Kumari, Minor 5 years.
4. Gaurav Kumar minor 4 years.
5. Sagar Kumar Minor 2 years. Opposite Party Nos. 3 to 5 are children of Fulchand Rishideo, Under the Care & Guardianship of their mother Khushbu Devi (Opposite Party No. 2). All residents of Village- Kharhat, Post Office and Police Station- Raniganj, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anamul Haque, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Opposite Party/s	:	None

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 20-08-2019

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

Re.: Interlocutory Application No. 1122 of 2018

2. On 13.09.2018, the Court had issued notice to the
opposite parties no. 2 to 5 in the limitation matter. On 22.07.2019,
the opposite party no. 2 had entered appearance and the Court had



directed the matter to be listed under the heading 'For Orders (On Petitions)' for considering the limitation application.

3. The revision application has been filed after about 6 months of expiry of the time allowed to file the same.

4. Learned counsel for the petitioner submitted that the delay was caused on account of the petitioner having fallen ill and upon recovery had come to Patna to file the present revision application.

5. The Court is not inclined to accept such casual and lame excuse. Period of limitation being prescribed by the statute has to be seriously adhered to and only upon *bona fide* and genuine ground and explaining each day's delay, the Court would consider such plea. In the present case, there being no explanation and only a bald and lame statement that the petitioner had fallen seriously ill cannot be a ground to condone the delay.

6. Accordingly, prayer for condonation of delay in filing of the application is rejected.

7. Interlocutory Application No. 1122 of 2018 stands dismissed.

Re. Criminal Revision No. 366 of 2018



8. Though in view of limitation not being condoned, the revision application itself was required to be dismissed but the Court has heard learned counsel for the petitioner on merits also.

9. The present application has been filed under Section 19(4) of the Family Courts Act, 1984 against the order 13.07.2017 passed in Matrimonial Suit No. 96 of 2015, Trial No. 227 of 2015/Maintenance Case No. 070 of 2016, Trial No. 70 of 2016, by which maintenance has been allowed and the petitioner has been directed to pay a sum of Rs. 3,000/- to the opposite party no. 2 and 1,000/- each to the three children, the total being Rs. 6,000/- per month.

10. Learned counsel for the petitioner submitted that he is not in a position to afford such payment. However, on a query of the Court as to how such small amount can be said to be arbitrary or unjustified, learned counsel was not in a position to substantiate his stand.

11. Learned APP submitted that the petitioner having forced the opposite parties no. 2 to 5, out of his home, is bound to at least support them financially and an amount of Rs. 6,000/- per month for the wife and three children, who are all minors, is most reasonable.



12. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that even of merit, the order granting Rs. 3,000/- per month to the opposite party no. 2, who is the wife of the petitioner and Rs. 1,000/- each to the three minor children of the petitioner per month is most reasonable and also justified. Moreover, payment of Rs. 6,000/- cannot be said to be a burden on the petitioner.

13. For reasons aforesaid, the Court does not find any ground to interfere in the order impugned.

14. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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