

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18421 of 2018

In
CRIMINAL REVISION No.1030 of 2014

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

Arnesh Kumar @ Kumar Amresh, Son of Rameshwar Yadav, Resident of 5/1A/1/C/30, Road No. 1 Near Water Purification Pump, Laxmi Nagar, Police Station-Old Shangiv, Pune (Maharashtra) at present Flat No. 102, Block-D1, Brahama Suncity, Wadgaonsheri, Police Station- Rambadri, District- Pune (Maharashtra)-411014

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sweta Kiran, Wife of Arnesh Kumar, Daughter of Late Hari Narayan, C/58, Police Colony, Anisabad, Police Station- Gardanibag, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Sri Pradeep Narain Kumar
For the O.P. No. 2	:	Mr. Hare Ram Sah, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

13 03-07-2019 Against the order dated 20.08.2014 passed by

the learned Additional Principal Judge, Family Court,

Patna in Maintenance Case No. 69(M) of 2013 directing

the applicant/Arnesh Kumar @ Kumar Amresh to pay to

his wife/Sweta Kiran an interim maintenance of Rs.

8,000/- from the date of passing of the order as well as

a consolidated amount of Rs. 5000/- towards the cost of

litigation, the wife/Sweta Kiran approached this Court in

Cr. Rev. No. 1030 of 2014.



This court vide order dated 15.01.2018 modified the interim order of the Family Court by enhancing the litigation cost from Rs. 5000/- to Rs. 15000/- and making the interim maintenance amount of Rs. 8000/- per month to be payable to the wife from the date of filing of the maintenance petition.

The husband/Arnesh Kumar @ Kumar Amresh preferred an application vide Cr. Misc. No. 18421 of 2018 seeking modification of the aforesaid order passed in criminal revision on the ground that a revision petition could not have been entertained by this Court against the interim maintenance.

This Court by order dated 10.04.2019 realized that the order modifying the interim maintenance granted by the court below was passed without noticing that the Family Court had passed only an interim order against which another forum was available to the petitioner, noticed the parties.

The spouses appeared before this Court and



this Court realized that since the dispute is still continuing between them, an effort ought to be made for rapprochement and for this, not only the spouses but the respective lawyers representing them appeared agreeable for the same.

On several dates the matter was heard in the hope that there would be some settlement but the efforts of this Court, of the spouses and the learned respective lawyers came a cropper.

This Court has been informed today that the negotiations have failed and there is no possibility of any amicable settlement.

In that view of the matter, this Court recalls the order dated 15.01.2018 passed in Criminal Rev. No. 1030 of 2014.

Arnesh Kumar @ Kumar Amresh/husband would now be required to pay Rs. 8000/- per month to his wife/Sweta Kiran as an interim maintenance from the date of passing of the order by the Family Court. If the



enhanced consolidated amount towards litigation has not been paid, the husband would not be required to pay any such enhanced amount as directed by this Court earlier.

This Court has been informed that the interim maintenance directed by the court below is being paid to the wife regularly. It has also been communicated to this Court that the proceedings in the maintenance case is almost on completion and there is every hope that final order shall be passed without any delay.

It is expected that the Family Court, Patna shall conclude the proceedings and pass a final order.

With the aforesaid recall of the order dated 15.01.2018 passed in Criminal Rev. No. 1030 of 2014, the petition is disposed of.

(Ashutosh Kumar, J)

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