

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.484 of 2018

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

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Md. Sajid Siddique @ Sajid Siddiqui S/o Abdul Barique @ Abdul Bari Siddique, Resident of Village- Doria Sonapur, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Bibi Darakshan Naz, W/o Md. Sajid Siddique, D/o Meer Manjar Alam,
3. Taiyeba Siddique, D/o Md. Sajid Siddique,
4. Shayera Siddique, D/o Md. Sajid Siddique, (O.P. NO. 3 & 4 are minor under the guardianship of O.P. NO. 2, Bibi Daraksh O.P. No. 2 to 4 Resident of Village- Khalilabad, Ward No. 25, P.S. Araria, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha
For the Respondent/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 02-12-2019 Petitioner has filed this revision application against the ex parte judgment and order dated 07.12.2017 passed in Maintenance Case No. 251 of 2016 passed by Principal Judge, Family Court, Araria by which learned Principal Judge has allowed maintenance case by which maintenance of Rs. 6000/- has been directed to be paid to opposite party No. 2 as well as Rs. 1000/- each to opposite party Nos. 3 and 4.

It has been submitted on behalf of petitioner that order of maintenance has been passed ex parte without any notice to him. Under Section 126 (2) Cr.P.C. there is provision that if an ex parte order has been passed against a party without proper



notice, he has liberty to file an application for setting aside the *ex parte* order and the court below on being satisfied that no notices were validly served upon him can recall *ex parte* order.

Learned counsel for the petitioner is granted liberty to avail the remedy as provided under Section 126(2) of Cr.P.C. for recall of the *ex parte* order. If any such application is filed by petitioner for recalling of *ex-parte* maintenance order on the ground that no notice was served upon him then the court shall consider such application after granting opportunity and hearing to both parties and shall pass appropriate order on such petition preferably within three months from the date of receipt of such application.

Criminal revision petition is disposed of.

(S. Kumar, J)

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