

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.693 of 2018

Along with
Interlocutory Application No. 2906 of 2018

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Ganesh Prasad Sinha, Son of Sri Shivchandra Prasad, resident of Rajendra Nagar, Madhubani, P.S.- K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Rajrani Verma, wife of Ganesh Prasad Sinha, D/o Late Tapeswar Nath Bariyar.
3. Ujjwal Raj @ Bauq, Son of Ganesh Prasad Sinha, Both resident of Rajendra Nagar, Madhubani, P.S.- K.Hat, District- Purnea at present R/o Mohalla-Station Road, Malitola, P.S.- Town, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate
For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-10-2019

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

2. The application has been filed after delay of 2 years and 169 days. Notice was issued in the limitation matter pursuant to which the opposite party no. 2 has entered appearance and name of learned counsel also printed in the cause list. However, nobody appeared when the case was taken up and heard.

3. As the matter relates to an order granting maintenance of Rs. 3,000/- each per month in favour of the opposite parties no.



2 and 3, who are wife and son of the petitioner, the Court has heard the main matter on merits along with the limitation issue.

4. Learned counsel for the petitioner submitted that he is a poor man and is not able to sustain the burden of having to pay Rs. 6,000/- per month. It was further submitted that the petitioner was ever ready to keep the opposite parties no. 2 and 3 with him but it is the opposite party no. 2, who has refused to live with him. It was submitted that the petitioner runs a small *kirana* shop.

5. Learned APP submitted that the allegation against the petitioner is of demand of dowry and ouster from the matrimonial home and, thus, there cannot be any liability attached to the opposite party no. 2 for not residing with the petitioner. It was submitted that the petitioner running a *kirana* shop clearly is in a position to pay much more than Rs. 6,000/- per month. It was further submitted that the opposite party no. 3, being a minor son of the petitioner, even when he had undergone a major operation at AIIMS, Delhi, the petitioner neither bothered to visit him nor supported him financially. It was submitted that the conduct of the petitioner, thus, is contrary to the stand which he has taken before the Court that he is ready to keep the opposite parties no. 2 and 3 with him and that it is the opposite party no. 2, who does not want to live with him.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any ground to interfere in the order impugned.

7. Even the quantum of Rs. 6,000/- per month in the background of the petitioner running a *kirana* shop is clearly most reasonable and just.

8. With regard to the limitation, the stand is that the order is *ex parte*. However, from the impugned order itself, it is clear that the petitioner had avoided appearing before the Court and, thus, rightly the Court proceeded *ex parte*.

9. In the aforesaid background, the application stands dismissed, both on merits as well as on the ground of limitation. Interlocutory Application No. 2906 of 2018 also stands dismissed.

(Ahsanuddin Amanullah, J)

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