

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.609 of 2018

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

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Manoj Prasad Son of Shri Kripa Prasad, Resident of Mohalla- Mutan Nagar,
P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Kumari Archana Sinha (Guddi), Wife of Manoj Prasad,
3. Tanya shri, aged about 11 Years @ Juhi D/o Manoj Prasad under the Guardianship of her Mother (O.P. No.2)

Both resident of Mohalla- Nutan Nagar Beldari Tola, P.S. Civil Line, District- Gaya at presently residing in her Mayake, in the house of her father Sri Suresh Kumar Sinha, Advocate Retired Head Clerk-cum-Saristeadar, Civil Court, Jehanabad, Resident at Mohalla- Janakpur Police Colony, P.S.- Muffasil (Gaya).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Respondent/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 28-01-2019

Heard parties.

This criminal revision application has been filed for setting aside the order dated 26.03.2018 passed in Misc. Case No. 76 of 2007 under Section 125 of Cr.P.C. by which the learned Principal Judge, Family Court, Gaya has directed the petitioner to pay opposite party no.3 (minor daughter) maintenance amount of rupees two thousand per month from the date of application.

Opposite party nos.2 and 3 had filed a petition for maintenance against petitioner on the ground that opposite party



no.2 is legally wedded wife of petitioner and opposite party no.3 is the minor daughter of petitioner and opposite party nos.2. Both of them have been ousted from their matrimonial house and opposite party no.2 with opposite party no.3 is residing in her parental home and both of them are unable to maintain themselves and, as such, approached the Family Court for payment of maintenance under Section 125 of Cr.P.C.

The marriage between the parties were solemnized on 24.06.1991 according to Hindu rites and customs and couple was blessed with a daughter who was born on 19.10.1996 and present case was filed on 02.08.2007 and during pendency of this case, opposite party no.3 attained majority and at present she is aged about 22 years. The petitioner appeared and filed his show cause and stated that opposite party no.2 is an earning lady and capable to maintain herself as she is in a government job and, as such, she is not entitled for any maintenance. In support of her maintenance case, opposite party nos.2 and 3 have examined altogether four witnesses whereas petitioner has examined only one witness who is the petitioner himself. Documents which has been marked as Ext. 1 to Ext. 8 has been adduced by opposite party nos.2 and 3 whereas eight documents have been adduced on behalf of petitioner which has



been marked as Ext. A to Ext. I.

After considering the evidences and materials available on record, the family court has denied the maintenance amount as prayed by opposite party no.2 i.e, rupees three thousand per month as maintenance amount as the family court found that she herself has sufficient source of income by way of employment and, as such, she is able to maintain herself and her claim for grant of maintenance has been negated by the family court and rejected.

However, with respect to claim of opposite party no.3 i.e, the female child of the parties, who was born on 19.10.1996 from the wedlock of petitioner and opposite party no.2 and was a minor at the time of institution of the case and her age at that point of time was 11 years, however, during pendency of maintenance case, she attained majority and she is still unmarried. The family court has recorded a finding that opposite party no.3 has no source of income and as such, she is entitled for maintenance of rupees two thousand per month. The family court has held that petitioner cannot escape from his responsibility and liability to maintain his legitimate female child till her marriage, accordingly has directed for payment of rupees two thousand per month to opposite party no.3 from the



date of filing of application.

This court does not find any error, illegality or irregularity in the order dated 26.03.2018 passed by Principal Judge, Family Court, Gaya in Misc. Case No.76 of 2007 as such, the present criminal revision application is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2019
Transmission Date	09.02.2019

