

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 1225 of 2018

Along with
Interlocutory Application No. 1 of 2019

Arising Out of Maintenance Case No.-192 Year-2016 Thana- Gayghat District- Muzaffarpur.

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Hari Kishore Kuwar, Son of Late Anurag Kunwar, Resident of Village-
Manipur Bhusra, P.O. Hasna, P.S. Gayghat, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surekha Devi, Wife of Hari Kishore Kuwar, Resident of Village-Manipur
Bhusra, P.O. Hasna, P.S. Gayghat, District-Muzaffarpur.

... .. Oppostie Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Prasad, Advocate
For the Opposite party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-07-2019

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

Re.: Interlocutory Application No. 1 of 2019

2. The application has been filed seeking condonation of
delay of 9 days in filing of the instant revision appliation.

3. After hearing learned counsel for the parties and
going through the averments made in the Interlocutory
Application, the Court finds that sufficient cause has been shown
for late filing of the revision application.

4. Accordingly, the delay in filing of the present revision
application stands condoned.



5. Interlocutory Application No. 1 of 2019 stands disposed off.

Re.: Criminal Revision No. 1225 of 2018

6. The challenge in the present application filed under Section 19(4) of the Family Courts Act, 1984 is to the order dated 02.05.2018 passed in Maintenance Case No. 192 of 2016 by the opposite party no. 2 by which ad interim monthly maintenance of Rs. 3,000/- has been directed to be paid by the petitioner.

7. The opposite party no. 2 claims to have married the petitioner after the death of his first wife. Upon hearing the parties, the order impugned has been passed.

8. Learned counsel for the petitioner submitted that she was already married to another man in 1974 from whom she had a daughter and she again married in the year 2006 and from such person also she has a daughter. It was submitted that thereafter she came to the house of the petitioner and because there was need of help, she was kept in the house as a caretaker.

9. Learned APP submitted that the order impugned itself discloses that the residential certificate of the opposite party no. 2, which was forwarded by the opposite party no. 2 to the General Manager Bharat Wagon and Engineering Corporation Limited, Muzaffarpur shows her as the second wife of the petitioner and



further that the electoral rolls of Gaighat block also shows her to be the wife of the petitioner.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

11. The fact that the petitioner is a retired military personnel, he can very well afford to pay Rs. 3,000/- per month to the opposite party no. 2. Further, the said order is only by way of an ad interim measure and the petitioner has full opportunity to prove that the opposite party no. 2 is not his second wife. However, once it is admitted that the opposite party no. 2 started living in the house of the petitioner as a caretaker, the contention of the opposite party no. 2 that she was living as a second wife cannot be summarily rejected as it is to be proved at a stage which has not yet come.

12. For the reasons aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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