

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.548 of 2017

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

Arvind Kumar Singh S/o Raj Bansh Singh Resident of Village- Sillota, P.O. Khaura, P.S. Sonhan, District- Kaimur.

... .. Petitioner/s

Versus

Rimpi Devi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 08-01-2019 This revision application is directed against the order dated 05.08.2016 passed in Maintenance Case No. 59/2013 by the Principal Judge, Family Court, Bhojpur, Ara, whereby and whereunder, the petitioner has been directed to pay Rs. 8,000/- as interim maintenance to the opposite party each month and Rs. 20,000/- as lump sum amount towards litigation costs to opposite party.

2. Case in short is that opposite party filed a Maintenance Case before the Family Court, Bhojpur, Ara stating that her marriage was solemnized with the petitioner on 21.06.2009 according to Hindu rites and customs. After some days, petitioner along with his family members started making demand of Rs. 3,00,000/- and a Maruti Car and due to non fulfillment of the said demand, opposite party was subjected to



torture and harassment and lastly on 08.06.2011, she was beaten and all her ornaments were snatched away and she was ousted from her matrimonial house. Thereafter, opposite party filed a case under Section 498A of the Indian Penal Code against the petitioner. Thereafter, the maintenance case was filed. Further case of opposite party is that petitioner has sufficient means of earning as he has two trucks, one dumper and a coal depot. Apart from that petitioner has 18 Bighas of landed property, from which, he earns an income of Rs. 1,00,000/- per year. Whereas, opposite party lives with her widow mother and has no source of earning.

3. It also appears that petitioner initially participated in the aforesaid maintenance case i.e. Maintenance Case No. 59/2013 and filed his show cause but thereafter, he left to do pairvi in the said case and the Family Court after perusal of the record has ordered for interim Maintenance of Rs. 8,000/- per month and Rs. 20,000/- as lump sum amount towards litigation cost to be paid by the petitioner to opposite party.

4. Being aggrieved by the aforesaid order, the petitioner moved before this court in instant criminal revision.

5. No doubt, revision is not maintainable against an interim order of maintenance. However, since the revision application



has been filed in the year 2017 and uptil now it is pending, as such, the same is being taken up for hearing by this Court.

6. Limited argument of learned counsel for the petitioner is that without assessing the real income of the petitioner, the Family Court, Bhojpur, Ara has directed the petitioner to pay an amount of Rs. 8,000/- per month as well as Rs. 20,000/- as lump sum amount towards the litigation cost to the opposite party, which is arbitrary, as petitioner has no business of any truck or dumper rather he works in a marble shop and he also does not have any agricultural income and without considering the real facts, the impugned order has been passed.

7. It also appears from the perusal of record that notice has been issued to opposite party but in spite of valid service of notice, none has appeared on behalf of opposite party.

8. Having heard both sides, considering the facts and circumstances as well as the submission put forth by learned counsel for the petitioner and also the fact that the petitioner could not fully participate in the said maintenance case and had left pairvi after a while. In such view of the matter, this application is disposed of with direction to the petitioner to file a fresh application before the Principal Judge, Family Court, Bhojpur, Ara, who, after hearing both the parties and after



considering the documents filed by both the parties will pass a fresh order.

9. In the meantime, the petitioner shall continue to pay Rs. 5,000/- each month to opposite party as maintenance till the disposal of the maintenance case apart from the lump sum amount of Rs. 20,000/- which shall be subject to the final maintenance order by the Family court. Amount, if any, already deposited by the petitioner shall be adjusted against the arrears of maintenance, which is to be paid to the opposite party after final disposal of maintenance case.

10. With the aforesaid direction and observation, this revision application stands disposed of.

(Vinod Kumar Sinha, J)

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