

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.491 of 2016

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

=====

Md. Islam @ Quazi Md. Islam son of Abdul Jabbar, Resident of village-
Puranaganj, Post Office- Puranaganj, Police Station- Baisi, District- Purnea.
... .. Petitioner

Versus

1. State Of Bihar
2. Yasmin Khatoon wife of Md. Islam, daughter of Md. Mustaque, at present of
village- Baluganj, P.O. Kirora, Police Station- Balrampur, District- Katihar.
... .. Respondents

=====

Appearance :

For the Petitioner/s :
For the Respondent/s : Mr.Dr. Ajit Kumarapp

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 12-07-2019 Heard learned counsel for the opposite party no. 2 as
well as learned counsel for the State.

This application has been filed against the order dated
10.04.2015 passed by learned Additional Principal Judge, Family
Court, Katihar in Maintenance Case No. 258 of 2012, by which,
learned Additional Principal Judge, Family Court, Katihar has
directed the petitioner to pay Rs. 2,000/- per month to the opposite
party no. 2 towards her maintenance from the date of order in the
first week of each month.

It further appears that in spite of substituted service of
notice to the petitioner, he has not appeared before the Court below,
as such, the maintenance case proceeded ex parte and three
witnesses were examined on behalf of opposite party no. 2. After
conclusion of proceeding, learned Additional Principal Judge, Family



Court, Katihar come to the conclusion that opposite party no. 2 is the legally wedded wife of petitioner and petitioner has performed second marriage and, thus, directed the petitioner to pay Rs. 2,000/- to opposite party no. 2 per month towards her maintenance.

Being aggrieved, the petitioner has preferred the present revision application. However, it appears that on 02.07.2019, 09.07.2019 and on 11.07.2019, none appeared on behalf of the petitioner but learned counsel for opposite party no. 2 was present on all the three dates. It further appears that the learned Additional Principal Judge, Family Court, Katihar has come to the finding that opposite party no. 2 is the legally wedded wife of the petitioner and she was ousted from the her matrimonial house and she is residing in her maik and she has no source of income to maintain herself and petitioner has regular source of income and he has cultivable lands also and apart from that he is maintaining his second wife.

Considering the facts and circumstances of the case, I do not find any illegality in the order dated 10.04.2015 passed by learned Additional Principal Judge, Family Court, Katihar in Maintenance Case No. 258 of 2012.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

