

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.472 of 2015**

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

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DEWAN CHOUDHARY @ DEBAN CHOUDHARY @ DEVEN  
CHOUDHARY @ DEV KANT CHY. DEWAN son of Shri Ashok Choudhary  
@ Ashok Kumar Chy. resident of village- Madhepur, P.S.- Kaluahi, District-  
Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Sanju Devi wife of Sri Dewan Choudhary, Daughter of Ram Sobhit Kamat
3. Chandani Kumari, Daughter of Sri Devan Choudhary Both resident of village- Usrahi, P.s. Dewdha, Distt. Madhubani

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Uday Kant Choudhary  
For the Respondent/s : Mr.R.N.Jhaapp

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

5      11-03-2019                      Heard learned counsels for the parties.

The present revision application has been preferred against the order dated 11.3.2015 passed in M.R. No. 174 of 2014 by the learned Principal Judge, Family Court, Madhubani, whereby the petitioner has been directed to make payment of Rs.2000/- per month as interim maintenance till the final disposal of the maintenance proceeding from the date of order, i.e. 11.3.2015.

It is submitted by learned counsel for the petitioner that the factum of marriage between the petitioner and the O.P. No.2 and birth of a male child are admitted and the child is



staying with the petitioner but the petitioner is not in such a financial position to make payment of Rs.2000/- per month. However, he is ready for parting ways on payment of one time settlement amount, hence, he has preferred the present revision application.

Learned counsel for the O.P. No. 2 submits that the marriage between the petitioner and O.P. No. 2 and birth of a child is not in dispute and O.P. No. 2 is still ready to resume the conjugal life. The submission on behalf of the petitioner that he has no financial capacity to pay Rs.2000/- per month as interim maintenance but on the contrary he is ready to make payment of one time settlement amount, which absolutely sounds unreasonable. The O.P. No.2 has no means of livelihood whereas petitioner has sound financial capability. The maintenance proceeding is still pending.

Having heard learned counsels for the parties, it appears that with the agreement of the parties for resolution of issue in terms of payment of one time settlement amount, this Court vide order dated 8.1.2019 referred the matter for mediation.

The report of the Mediator dated 1.2.2019 kept at Flag X reflects that the issue could not be resolved through the



process of mediation.

Considering the fact that the impugned order reflects that in spite of several opportunities being granted, the petitioner failed to file reply, hence the interim maintenance order has been passed subject to the passing of final order in maintenance proceeding. Moreover, the petitioner has the occasion to raise all the issues in the pending maintenance proceeding or in change of circumstance the learned court below can alter the interim maintenance amount.

Since learned counsel for O.P. No. 2 submits that the O.P. No. 2 has no means of livelihood, hence in order to save her from destitution and vagrancy, this Court is not inclined to interfere with the interim maintenance order.

This revision application is, accordingly, dismissed.

**(Dinesh Kumar Singh, J)**

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