

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1478 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Supaul

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1. SRI GANESH PRASAD GUPTA, Son of Late Shivdutt Prasad Gupta Resident of Village- Tribeniganj, Ward No. 11, House No. 85B, Thana Road, Thalha Garhia, P.S.- Tribeniganj, District- Supaul, Pin Code- 852139.
 2. Smt. Meena Devi Wife of Sri Ganesh Prasad Gupta Resident of Village- Tribeniganj, Ward No. 11, House No. 85B, Thana Road, Thalha Garhia, P.S.- Tribeniganj, District- Supaul, Pin Code- 852139.

... .. Petitioner/s

Versus

- 1 The State of Bihar through the Law Secretary, Patna, Bihar
2. Krishna Kumar Kanhaiya Son of Sri Ganesh Prasad Gupta Resident of Village- Tribeniganj, P.S.- Tribeniganj, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar,
For the Respondent/s : Mr.Prashant Pratap

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 13-11-2019

The present writ petition has been filed for a direction to the respondents *"to comply its order dated 05.01.2017 passed in Maintenance Suit No. 108/2014 passed by the learned Principal Judge, Family Court, Supaul in its true letter and spirit without giving unnecessary adjournments in Misc. Case No. 03 of 2017 arising out of Maintenance Suit No. 108/2014."*

2. Learned counsel for the petitioner submits that the petitioners are neglected parents of the respondent no. 2 who are not being looked after in their old age. Resultantly they preferred Maintenance Suit No. 108/2014 in the Court of learned Principal Judge, Family Court, Supaul which was decreed in their favour in terms of judgment dated 05.01.2017 (Annexure-2), *inter alia*, directing the respondent no. 2 to pay a sum of Rs. 6,000/- to the petitioners in lieu of maintenance amount per month from the



date of application. The said order was not being complied with by the respondent no. 2, which led to filing of Misc. Case No. 03 of 2017 before the said Court for compliance of its order by the respondent no. 2 passed in Maintenance Suit No. 108/2014 aforesaid. It is submitted that despite lapse of more than two and half years, the said Miscellaneous Case remains pending after numerous adjournments from time to time, while in the interregnum the respondent no. 2 has merely deposited a sum of Rs. 10,000/- on 18.11.2017 and a further amount of Rs. 6,000/- has been directed to be deposited by order dated 17.01.2019. It is submitted that the petitioners are on the verge of starvation even though they are entitled to maintenance of Rs. 6,000/- per month from the respondent no. 2.

3. Learned counsel for the State appears and has been heard.

4. With the consent of the parties and having regard to the nature of the grievance of the petitioners, the writ petition stands disposed of with a direction to the learned Principal Judge, Family Court, Supaul to dispose of Misc. Case No. 03 of 2017, if still pending, on its own merits in accordance with law expeditiously and in any event preferably within a period of two months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.11.2019
Transmission Date	14.11.2019

