

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1583 of 2019**

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Guddu Tiwary @ Nandeshwar Tiwary Son of late Bachchu Tiwary,
Resident of Village- Morhar, P.O. Raupchhada, P.S. Saheb Ganj, District-
Muzaffarpur.

... .. Petitioner

Versus

1. Babita Devi W/o Guddu Tiwary @ Nandeshwar Tiwary, D/o Chandrika Upadhyay, Resident of Village- Morhar, P.O. Raupchhada, P.S. Saheb Ganj, District- Muzaffarpur. At Present Residing at Village and P.O. Dubey Kathariya, P.S.- Kalyanpur, District- East Champaran.
2. Ghanshyam Pandey, Son of Nagendra Pandey, Resident of Mohalla- Raghunathpur, P.S. Turkauliya, District- East Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad
Mr. Raju Kumar Goswami
Mr. Pramod Kumar Singh, Advocates.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-11-2019

The present petition has been filed "*against the order dated 21.12.2015 passed in Maintenance Case No. 7 of 2015 by the learned Principal Judge, Family Court, Muzaffarpur*".

2. Learned counsel for the petitioner submits that the petition filed by the respondent no. 1 under Section 125 Cr.P.C. has illegally been allowed by directing the petitioner to pay an amount of Rs. 3,000/- per month by way of maintenance. It is submitted that such *ex-parte* order has been passed without proper service of notice which vitiates the order.

3. The impugned order dated 21.12.2015 contains a specific observation that the "*O.P. husband did not appear in spite of*



service of notice, so, proceeding started ex-parte in his absence”.

Apart from a vague statement made in paragraphs- 8 and 11 of the petition, there is no clear cut denial of service of notice upon the petitioner. Moreover, this Court is therefore not satisfied about any illegality having been committed by the learned Court below by passing the impugned order.

4. The petition accordingly stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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