

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1280 of 2018

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

=====

Chandmati Devi W/O Bechu Ram, r/o Village Udiyan Tola, P.O. Tarwara PS
G.B. Nagar, District Siwan.

... .. Petitioner/s

Versus

Bechu Ram s/o Late. Ramawatar Ram, r/o Village Udiyan Tola, P.O. Tarwara,
P.S G.B. Nagar, District Siwan. At present Badarpur, P.S Ladla, District
Kurukshetra (Haryana).

... .. Respondent/s

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 26-03-2019

Heard parties.

2. This criminal revision petition has been filed against the judgment and order dated 19.07.2018 passed in Maintenance Case No.92 of 2007, by which Principal Judge, Family Court, Siwan, whereby and whereunder the learned Judge has rejected the maintenance petition filed by the petitioner.

3. Petitioner- Chandmati Devi in her deposition had stated that she was married to Opposite Party No. 2, 50 years before in accordance with Hindu Rites and Customs and a son was born from said wedlock who is at present 35 years old. After



marriage Opposite Party No. 2 went to Badarpur to earn his livelihood and she was properly cared. Opposite Party No. 2 for last 8 years had left her and no maintenance amount is being paid to her. She works as a labourer.

4. In her cross-examination, she has admitted that Ram Sewak is his son who is son of Nakched Ram. She has also admitted that she is getting old aged family pension. Witnesses have supported the case of petitioner and Witness No. 1 has stated that earlier petitioner was married to Nakched Ram and after his death she was married to Bechu Ram (O.P. No. 2). Opposite Party No. 2 went outside to earn livelihood and entered into second marriage from which he has children. Other witnesses have also stated that petitioner was married to Bechu Ram and she has son from said wedlock. He has also stated that other than Umesh petitioner has two more sons Ram Sewak and Barrister. Other witnesses have also supported the case of petitioner.

5. Opposite Party Witness No. 1 Bechu Ram (O.P. No. 2) has appeared and in his deposition has stated that petitioner is his Bhabhi and she was married to his elder brother Nakched Ram and he left his village and came to Badarpur (Haryana) 35 years before. Documents filed on his behalf shows the name of



husband of petitioner as Nakched Ram. The name of his wife is Anarkali who is resident of Badarpur. He has denied that he had entered into marriage with petitioner after death of his brother Nakched Ram.

6. Opposite Party Witness No. 3 Mithu Ram is brother of Opposite Party No. 2 and he has stated that Nakched Ram died leaving behind his wife and three sons. Bechu Ram is married to Anarkali resident of Badarpur. Other witnesses have also supported the case of Opposite Party No. 2 which is also supported by documentary evidence exhibited by the Opposite Party No. 2 before the Family Court.

7. Considering the submission of the parties and oral and documentary evidence on record, the Principal Judge, Family Court has held that petitioner has failed to establish that she is legally wedded wife of Opposite Party No. 2 and as such there is no relation of husband and wife between the parties, and Opposite Party No. 2 is not bound to maintain petitioner and accordingly, rejected the maintenance case of petitioner.

8. After hearing the parties and perusing the order passed by the Principal Judge, Family Court, this Court does not find any illegality, irregularity or error in the order of the Family Court.



Accordingly, the present criminal revision petition is
dismissed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.04.19
Transmission Date	11.04.19

