

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.6 of 2019**

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Abhay Kumar Singh Son of Late Baleshwar Singh Resident of Village-
Dayalpur,P.S. Rajapakar O.P. Baranti,Dist.-vaishali

... .. Petitioner/s

Versus

Rinku Devi, Wife of Abhay Kumar Singh Resident of Village-Dayalpur,P.S.
Rajapakar O.P. Baranti,Dist.-vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Respondent/s :

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**CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT**

Date : 20-01-2020

Heard learned counsel for the petitioner and learned
counsel for the respondent.

Petitioner has prayed for the following relief:-

“For a direction to the learned Principal Judge, Family
Court, Hazipur at Vaishali to decide the Misc. Case
No. 09/2018 filed by the petitioner on 24/04/2018 for
setting aside ex parte order dated 29/11/2017 passed
by the learned Principal Judge, Family Court, Hazipur
at Vaishali, in Maintenance Case No. 141/2016
“Rinku Devi @ Others Vs. Abhay Kumar Singh” by
which the learned Principal Judge, Family Court,
Hazipur at Vaishali has passed ex parte order against
the petitioner and directed the petitioner to pay Rs.
10,000/- per month to the respondent for her
maintenance as well as for two minor daughter,
without considering the fact that the petitioner was in



jail custody at relevant time in a case lodged by the respondent under Section 498A of the I.P.C. and the petitioner was sent to jail on 08/4/16 and remained in jail custody for 8/9 months and as such he could not get any information about the same and further to stay the process of Misc. Case No. 15/2018 filed by the respondent for compliance of the order dated 29/11/2017 passed by the learned Principal Judge, Family Court, Hazipur at Vaishali, in Maintenance Case No. 141/2016 “Rinku Devi & Others Vs. Abhay Kumar Singh” and both the misc. cases arise out of Maintenance Case No. 141/2016, so prior to move on misc. case no. 15/18 it is necessary to decide Misc. Case No. 09/18 filed by the petitioner for ends of justice and/or pass such any other order/orders, direction as this Court may deem fit and proper in the facts and circumstances of the present application.”

Learned counsel for the petitioner states that the Principal Judge, Family Court, Hazipur at Vaishali, before whom the Miscellaneous Petition being Case No. 09/2018 filed in Maintenance Case No. 141 of 2016, titled as Rinku Devi & others Vs. Abhay Kumar Singh, is pending consideration since long, as such, a direction be issued for expeditious disposal thereof.

It is further argued that Miscellaneous Case No. 15 of 2018, filed by the respondent, be stayed.



Well, this Court finds no reason sufficient enough for allowing the subsequent prayer made by the petitioner through the learned counsel. Why is it that both the Miscellaneous Applications be not heard and decided together!

In fact, this Court is of the considered view that the main case itself, instituted in the year 2016, ought to have been decided expeditiously, more so, keeping in view the object, purpose and intent of the Family Courts Act, 1984.

As such, this Court directs the Principal Judge, Family Court, Hazipur at Vaishali to expeditiously decide not only the interim applications filed by the parties, but also the main case. Needless to add, the same shall be so done in accordance with law after complying with the principles of natural justice.

Learned counsel appearing for the petitioner states that the petitioner shall place on record copy of the order in the proceedings before the court below.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

P.K.P./-Sushma

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2020
Transmission Date	

