

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.473 of 2016

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

Dayanand Thakur, Son of Late C.B. Thakur, Resident of village- Majhua Rangdaha, P.S.- Forbesganj, District- Araria

... .. Petitioner

Versus

1. The State of Bihar
2. Pramila Devi, Wife of Dayanand Thakur R/o Village- Majhua Rangdaha, P.S.- Forbesganj, District- Araria
3. Anmol Thakur, S/o Dayanand Thakur, R/o Village- Majhua Rangdaha, P.S.- Forbesganj, District- Araria
4. Chandni Thakur @ Chandni Kumari @ Chandni Kumar, D/o Dayanand Thakur, R/o Village- Majhua Rangdaha, P.S.- Forbesganj, District- Araria
5. Anjani Kumari, D/o Dayanand Thakur, R/o Village- Majhua Rangdaha, P.S.- Forbesganj, District- Araria. Respondent No. 4 and 5 represented through Respondent No. 2

... .. Opposite Parties

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Gajendra Pd.Yadavapp, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 03-02-2020 No one appears for the petitioner. Learned counsel for the opposite party no. 2 is present.

This case is being that of the year 2016, this Court proceeds to dispose of the application on the basis of the materials available on the record.

Petitioner in this case is seeking setting aside of the judgment dated 18.02.2016 passed in Maintenance Case No. 24 of 2011 by learned Principal Judge, Family Court, Araria. By the impugned judgment and order the learned Principal Judge,



Family Court, Araria has awarded a sum of Rs. 3,000/- as monthly maintenance to the opposite party nos. 2 to 5.

Learned counsel for the opposite party nos. 2 to 5 has taken this Court through the impugned order and judgment wherein the learned Principal Judge, Family Court, Araria has taken note of the pleading of the opposite party-petitioner. He has though not adduced any evidence but as against the submission of the applicant that he was getting Rs. 15,000/- per month as pension the opposite party -petitioner admitted that he was getting Rs. 7,000/- per month as pension. It is the submission of the learned counsel for the opposite party nos. 2 to 5 that on the face of the admitted fact that the husband of the opposite party no. 2 was getting at least Rs. 7,000/- as pensionary benefit if the learned Principal Judge, Family Court, Araria has awarded Rs. 3,000/- to the opposite party nos. 2 to 5 who are admittedly the wife and daughters of the opposite party-petitioner, no illegality and infirmity may be found in the impugned judgment and order.

This Court has perused the materials placed on the record on behalf of the petitioner. It is not in dispute that the opposite party no. 2 is the legally wedded wife of the petitioner. The marriage between the parties had taken place after the



demise of their respective spouse. In his show cause submitted before the learned Principal Judge, Family Court, Araria in the maintenance case, the opposite party-petitioner has admitted that he is a retired teacher and that by way of pension he was getting Rs. 7,000/- per month. The show cause was filed in the year 2012. Over the period the pensionary benefit must have been revised and in such circumstance in the year 2016 if the learned Principal Judge, Family Court, Araria has directed the opposite party-petitioner (husband) to pay a sum of Rs. 3,000/- to the opposite parties, this Court finds no illegality or infirmity with the impugned judgment.

No interference is required at this end. The application is dismissed.

The opposite party shall get the order executed in accordance with law.

(Rajeev Ranjan Prasad, J)

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