

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1352 of 2018**

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

Madhav Krishna Dubey S/o Tarak Nath Dubey, Resident of Village- Karnamepur, P.S.- Shahpur District- Bhojpur, at present Residing at Madhav Krishna Dubey, Sergeant- 17 Wing, Air Force Station, P.S.- Muffasil, District- Gorakhpur.

... .. Petitioner

Versus

1. Suman Dubey D/o Yamuna Mishra
2. Atharv Dubey, S/o Madhaw Krishna Dubey @ Suman Dubey, Both resident of Village- Nandpur, P.O.- Baluan, P.S.- Brahmpur, District- Buxar.
3. Mani Kanika Dubey, D/o Madhaw Krishna Dubey @ Suman Dubey, At present residing with Madhaw Krishna Dubey, 17 wines, Air Force Station, P.S.- Mufassil, District- Gorakhpur.

... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar, Advocate  
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

- 3      19-02-2020                      This revision application has been preferred for setting aside the judgment dated 15.09.2018 passed by the learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 145 of 2014 by which the learned Principal Judge has awarded a sum of Rs. 4000/- per month as maintenance to the opposite party no. 1 being wife of the petitioner and further a sum of Rs. 5000/- per month has been awarded in favour of opposite party no. 2 who is the son of the petitioner.

It is the grievance of the petitioner that earlier in



divorce proceeding, under Section 24 of the Hindu Marriage Act, a sum of Rs. 3000/- per month has been awarded as maintenance pendente lite and expenses of the proceeding in favour of petitioner no. 1- opposite party no. 1. Again in Domestic Violence Case, the petitioner is paying Rs. 1000/- in her favour. At this stage, the petitioner has been directed to pay further sum of Rs. 4000/- and Rs. 5000/- respectively to opposite party no. 1 and 2 which is onerous to the petitioner and having retired from service on 30.11.2018, at this stage when he has to take care of himself and his parents, the award of maintenance amount under the impugned judgment is not justified.

At this stage, learned counsel for the petitioner also informs this Court that the petitioner has filed an application before the learned Principal Judge, Family Court, Saran at Chapra under Section 127 Cr.P.C. and a request has been made in the Family Court to alter / vary or modify the monthly allowance awarded by the impugned judgment after taking note of the change in the circumstances.

Learned counsel also submits that the petitioner would also take steps to expedite the hearing of the divorce case and at this stage though he has filed the application under



Section 127 Cr.P.C. but despite notice the opposite parties are not putting their appearance as a result whereof his application has remained pending.

It is submitted that the grievance of the petitioner would be satisfied if this Court directs learned Principal Judge, Family Court, Saran at Chapra to decide the application under Section 127 Cr.P.C. within a reasonable period.

Having heard learned counsel for the petitioner, in the nature of the submissions advanced before this Court, this Court is of the considered opinion that the prayer of the petitioner is reasonable one as he is looking for consideration of his application under Section 127 Cr.P.C. within a reasonable period. It is for the learned Principal Judge, Family Court, Saran at Chapra to ensure that the application preferred by the petitioner is considered and be disposed of within a period of four months from the date of receipt/production of a copy of this order.

In case it is found that the opposite parties are avoiding the service of notices, it will be open for the petitioner to request the learned Principal Judge, Family Court, Saran at Chapra to allow him substituted service of notice at the earliest opportunity.



The learned Principal Judge shall decide the matter within the aforesaid period in accordance with law.

This revision application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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