

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.8 of 2020

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Satyanarain @ Satanpal Son Of Late Ram Babu Pal Resident Of Village -
Karorichak, P.S.- Phulwari Sarif, Distt - Patna.

... .. Petitioner

Versus

Meena Devi Wife Of Satyanarain @ Satanpal Resident of Village - Phulwari
Sarif, Distt - Patna.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-10-2022 No one appears for the petitioner.

This Court having noticed that the case pertains to payment of maintenance to a woman who has alleged victimization at the hand of her husband and is looking for some financial assistance to maintain herself, has taken up the revision application for consideration on its own merit.

The revision application has been preferred for setting aside of the order dated 11.05.2015 passed by Additional Principal Judge, Family Court, Patna in Maintenance Case No. 47(M) of 2010. By the impugned judgment, the learned court has been pleased to fix a maintenance amount of Rs.4,000/- per month payable to the applicant-wife by the petitioner. The petitioner has also been directed to pay Rs.5,000/- as one time litigation cost.

On perusal of the impugned order, it appears that the petitioner denied his marriage with the applicant but was unable to



demonstrate it by producing any cogent reason. On the other hand, the applicant-wife brought several materials which have been dealt in the impugned judgment to show that she happened to be the wife of the petitioner. In such circumstances, after analysing the evidences available on the record, the learned court below has fixed the maintenance amount of Rs.4,000/- per month.

Against the impugned judgment, this revision application has been preferred after 4 years 4 months 28 days. For condonation of delay, a stand has been taken that at the relevant time when the impugned order was passed, the petitioner was residing at Noida where he worked as a laborer. On knowledge, he reached Patna and obtained certified copy of the order on 27.03.2016 and thereafter contacted a lawyer on 29.03.2016 for filing the revision application and a revision application was filed on 30.03.2016 vide token no. 23341 of 2016 which was carrying some defects but those defects were not cured as the clerk attached to the office of the learned Advocate left his office. This was discovered later on and at this belated stage, the revision application has been filed.

This Court finds from the materials available on the record that the petitioner despite having knowledge of the impugned order did not take steps to file revision application in time. In his affidavit, he has not disclosed the date on which he



came to know about the impugned order. It is not an ex-parte order. Only a vague statement has been made that when he got the knowledge of the order then he reached Patna and obtained certified copy on 27.03.2016. Even if that is taken into consideration, there is an inordinate delay in presenting the revision application at first instance. Further as regards the fault of the Advocate clerk, there is no statement that with whom the said clerk was attached and that the petitioner had been pursuing the matter with the office of the learned Advocate.

In the aforementioned background when the impugned order is looked into, it is found that the learned court below has allowed a meagre sum of Rs.4,000/- per month to the applicant-wife which would hardly come to Rs.133/- per month.

Recently in the case of **Anju Garg and Another Vs. Deepak Kumar Garg** reported in **2022 SCC Online SC 1314**, the Hon'ble Supreme Court has observed that an able-bodied person is obliged to maintain his wife even by doing physical labour. Same is the reasoning provided by the learned court below in the impugned judgment. Paragraph '10' of the judgment of the Hon'ble Supreme Court in the case of **Anju Garg and Anr.** (supra) is being reproduced hereunder:-

“10. This Court had made the above observations as the Court felt that the Family Court in the said case had conducted the proceedings without being



alive to the objects and reasons, and the spirit of the provisions under Section 125 of the Code. Such an impression has also been gathered by this Court in the case on hand. The Family Court had disregarded the basic canon of law that it is the sacrosanct duty of the husband to provide financial support to the wife and to the minor children. The husband is required to earn money even by physical labour, if he is an able-bodied, and could not avoid his obligation, except on the legally permissible grounds mentioned in the statute. In ***Chaturbhuj v. Sita Bai reported in (2008) 2 SCC 316***, it has been held that the object of maintenance proceedings is not to punish a person for his past neglect, but to prevent vagrancy and destitution of a deserted wife, by providing her food, clothing, and shelter by a speedy remedy. As settled by this Court, Section 125 Cr.P.C. is a measure of social justice and is specially enacted to protect women and children. It also falls within the Constitutional sweep of Article 15(3), reinforced by Article 39 of the Constitution of India.”

In the circumstances stated above, this Court is not inclined to condone the delay as it would not be in the interest of justice.

This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

