

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.587 of 2017

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

Ashok Sahani S/o Mahendra Sahani Resident of Village- Chaklahuran, Tola, -
Majhar, P.S. - Mehshi, District- East Champaran.

... .. Petitioner

Versus

Rita Devi D/o- laxman Sahani Resident of Village- Ajarimath, P.S.
Banjariya, District- East Champaran.

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-12-2022 In this case, the petitioner is challenging the judgment and order dated 13.02.2017 passed by learned Principal Judge, Family Court, East Champaran at Motihari in Maintenance Case No. 325 of 2009 by which the learned Family Court has been pleased to allow a maintenance amount of Rs. 4,000/- to the applicant-wife. The petitioner being husband has been directed to pay the same to his wife.

On perusal of the impugned judgment, it appears that in the learned court below, the petitioner who was opposite party took a plea that his wife was living in adultery but he failed to prove the same. He had also filed a divorce case being Matrimonial (Divorce) Case No. 97 of 2010 which was decided on 13.02.2017. In the divorce case also, the petitioner had taken a plea of adultery but the said plea could not succeed. He was,



though granted a decree of divorce on the ground of cruelty but no permanent alimony was awarded in terms of Section 25 of the Hindu Marriage Act, 1955.

While considering the application under Section 125 Cr.P.C. filed by the applicant-wife, the learned Family Court has considered the plea of the applicant-wife that the petitioner has got five bighas of agricultural land and he runs an auto-rickshaw at Delhi. The court has awarded a sum of Rs. 4,000/- per month as maintenance and a lump sum of Rs. 5,000/- for meeting the cost of litigation.

Learned counsel for the petitioner has informed this Court that petitioner is paying this amount.

In course of hearing of the revision application, learned counsel for the petitioner having failed to demonstrate any cogent ground to interfere with the judgment of the court below, at this stage seeks permission to withdraw this application.

Permission is granted.

The application is dismissed as withdrawn.

(Rajeev Ranjan Prasad, J)

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