

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.136 of 2021

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

RAGHUNATH SAHNI S/o Mahesh Sahni R/o village- Sahdaullapur Bada Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner

Versus

Sunaina Devi W/o Raghunath Sahni, D/o Darogi Sahni R/o village- Sahdaullapur Bada Jagarnath, P.S.- Ahiyapur, District- Muzaffarpur. A/P Village- Kothiya, P.O. and P.S.- Musahari, District- Muzaffarpur

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Suresh Prasad, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

By the impugned judgment the learned Principal Judge, Family Court, Muzaffarpur has directed the petitioner to pay a sum of Rs. 2000/- per months to the applicant-wife and Rs. 1000/- per month to each of both the children. In this way the petitioner has to pay Rs. 4000/- per month to his wife and minor children.

Learned counsel for the petitioner submits that the applicant-wife is not his legally wife and both the children for whom the maintenance is awarded are not his children. From the impugned order this Court finds that despite service of notice the opposite party – petitioner did not appear as a result whereof the case was fixed for *ex parte* hearing. The applicant-wife examined herself and two other witnesses in support of her case. She has



stated that her marriage was solemnized with the petitioner in the year 2001. She went to her *Sasural* and stayed there for three months. Again she went to her *Sasural* and on 18.05.2003 she gave birth to her first child. It is her case that from beginning her husband was neglected her and her minor child. There was also a demand of dowry and because of non-fulfillment of the same he was angry. The applicant gave birth to a second child but the neglect continued. It is stated that the opposite party-petitioner is an electric mechanic and earns at least Rs. 500/- per day but is not paying any maintenance to his wife and children.

The applicant witness Mewalal Sahani and Ganesh Sahani have supported the case of the applicant. They have stated that the applicant was ousted from her matrimonial house and she is leading a miserably life in her Naihar. She is unable to maintain herself and her children.

In these circumstances, the learned Principal Judge has directed the petitioner to pay the maintenance as indicated here-in-above.

Learned counsel for the petitioner has though submitted that the petitioner was not duly served but he is unable to controvert the finding recorded in paragraph '3' of the impugned judgment wherein it is stated that the notice was received by the opposite party in the court below.



Learned counsel for the petitioner has also raised an issue with regard to the marriage, but this Court finds that the applicant and her witnesses have brought *prima-facie* materials to support her case that she is legally wedded wife of the petitioner. This Court cannot lose sight of the fact that a proceeding under Section 125 Cr.P.C. is a summary proceeding and it does not require a long drawn trial. Further it is a piece of social legislation and it has been brought in the statute book to provide some succor to the neglected women and children. In this case, the learned court below has awarded a meagre sum of Rs. 2000/- and Rs. 1000/- to the applicant-wife and the minor children. In the present days economic condition and the price index of the country even this amount may hardly be said to be sufficient to maintain three persons. This Court is not inclined to interfere with the impugned judgment.

The revision application is dismissed. Let the Principal Judge, Family Court proceed to execute the impugned judgment as expeditiously as possible.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

