

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.228 of 2021

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

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RAJENDRA MUKHIYA SON OF KAPILDEV MUKHIYA RESIDENT OF VILLAGE- PO AND PS -HASANPUR DIST - SAMASTIPUR AT PRESENT PATIYALA BANK COLONY , AMIN ROAD INFRONT OF ASHOK RICE MILL DHANESAR WARD NO 18 , P.O AND PS- DHANESAR DISTRICT- KURUCHETRA STATE HARYANA

... .. Petitioner

Versus

1. The State of Bihar
2. BABITA DEVI W/O RAJENDRA MUKHIYA RESIDENT OF VILLAGE - PO AND PS HASANPUR DIST- SAMASTIPUR, AT PRESENT DAUGHTER OF SITARAM MUKHIYA VILLAGE AND PO KYOTAHAR, PS- SINGHIYA, DIST- SAMASTIPUR

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv.
For the Respondent/s : Mr. Akhileshwar Dayal, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2022 Learned counsel for the petitioner shall remove all the defects as pointed out by the Stamp Reporter within three weeks from today.

Heard learned counsel for the petitioner and learned APP for the state.

The petitioner in this case is aggrieved by and dissatisfied with the order dated 13.11.2019 passed by learned Principal Judge, Family Court, Samastipur in Maintenance Case No. 16 of 2016.

By the impugned order the learned court below has fixed a monthly maintenance of Rs. 4000/-to the applicant wife



and the petitioner has been directed to pay the same.

Assailing the impugned order the learned counsel for the petitioner submits that the petitioner has suffered accident and thereafter he had lost his job in the private company.

On the other hand, going through the impugned order this Court finds that in the evidence adduced before the learned Principal Judge, Family Court, the opposite party-petitioner has admitted that he has homestead land and agricultural land in his native village. He is residing at Haryana. He was suggested that he was running a canteen in Kuruchetra which he had denied. He was also suggested that he solemnized second marriage giving her name, her father's name and address which he denied.

The learned Principal Judge, Family Court has found that there is no actual proof of annual or monthly income of the opposite party-husband but the applicant and her witnesses are consistent that he has got sufficient means. Under these circumstances, the court has fixed monthly maintenance of 4000/- (Rupees four thousand only) from the date of the order.

At this stage, learned counsel for the petitioner submits that he wants to withdraw this application unconditionally.



Permission is granted. The application is dismissed as
withdrawn.

Let the learned Principal Judge, Family Court,
Samastipur proceed to execute the impugned order as
expeditiously as possible.

Certified copy of this order shall be made available only
after removal of the defects.

(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'

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