

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1099 of 2018

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

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Amir Sah Son of Kanchan Sah, Resident of Village- Khajuri, P.S.-
Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

Vidyawati Devi Wife of Amir Sah, Resident of Village- Khajuri, P.S.-
Kuchaikote, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner.

I.A. No.2715 of 2018 has been filed seeking
condonation of delay of over one year in filing of the revision
application.

Learned counsel for the petitioner submits that the
impugned order is an ex-parte order passed on 12.07.2016 by
the learned Principal Judge, Family Court, Gopalganj in
Maintenance Case No.153 of 2012. The petitioner was not
aware of this case but he got knowledge of the matter on receipt
of a notice dated 21.08.2017 in Execution Case No.11 of 2016.

This Court finds that there is no explanation at all
with respect to the delay of over one year from the date of
knowledge of the order. Not a single word is stated as to why



despite getting the notice in execution case the petitioner did not file revision application for more than one year.

Apart from the aforementioned facts, this Court has further noticed that in the year 2012 the applicant-wife filed an application seeking maintenance for her and her minor daughter and a son. This petitioner has solemnized second marriage with another lady and threw the first wife and minor daughter and a son out of the matrimonial home.

The first wife and her children were at the verge of starvation. They were made to contest the maintenance case for about four years. The learned court below has recorded that notice was issued to the opposite party but he did not appear so the case was heard ex-parte.

Be that as it may, this Court further finds that the court has awarded only a sum of Rs.3,000/- to the applicant-wife and Rs.1000/- each to the two minor children with effect from the date of filing of the application.

It goes without saying that the minor children would be entitled to get the maintenance up to the date of their attaining majority. The amount of maintenance awarded seems to be a meagre amount and even an unskilled labourer these days earns Rs.400/- per day.



This being the totality of the facts and circumstances of the case and there being no reason much less any plausible reason to condone the delay, this Court declines the application.

The limitation petition as well as the revision application stand 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'.

