

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.948 of 2016

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

Shambhu Rai S/o Late Suba Rai Resident of Village-Dhekha, Mahuawa Tola,
Police Station-Mufassil Motihari, District-East Champaran

... .. Petitioner

Versus

1. The State Of Bihar
2. Bilti Devi Wife of Shambhu Rai At Present R/o Village-Suryapur, Jivdhara
P.S.-Piprakothi, District-East Champaran

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2022 No one appears for the petitioner.

Considering that this revision application is pending since 20.09.2016 and at this stage the petitioner is not putting appearance, in the nature of the case which relates to payment of maintenance to a neglected woman, this Court deems it just and proper to dispose of this application on it's own merit.

By the impugned judgment the learned Principal Judge, Family Court, East Champaran at Motihari has directed the husband-petitioner to pay a sum of Rs. 2000/- per month only to the petitioner-wife towards her maintenance by 15th day of every succeeding month with effect from June 2016. The husband-petitioner has been further directed to pay a lump-sum



amount of Rs. 5,000/- only to the petitioner-wife towards cost of litigation and Rs. 1000/- per month as ad-interim maintenance to the petitioner-wife till May 2016 vide order dated 06.11.2008, if not paid, should be paid promptly.

A perusal of the impugned judgment would show that the husband has performed a second marriage with another lady. His stand in the learned court below was that he had entered into the second marriage with another lady on the request of the petitioner and he was ready to keep his wife with full honour and dignity.

On the other hand, the applicant-wife has deposed that her husband started demanding a motorcycle and buffalo and on non-fulfillment of the said demand she was treated with cruelty and ousted from matrimonial house. She alleged that her husband had solemnized a second marriage. Her father, mother and brother all have died and she has no independent source of income. In her cross-examination, she had stated that her father had executed a deed of gift of one Bigha and 18 khatas of land but she claimed that she is not in possession of land as the pattidar of her father are in possession of the gifted land. She has been supported by her witnesses.

The husband-petitioner has admitted in deposition that



the applicant is his legally wedded wife. He has admitted his second marriage. Learned court below has considered the entire materials on record, discussed the evidence of the parties as mentioned hereinabove and has found that the petitioner is an able-bodied person, the learned Principal Judge has awarded the maintenance amount as stated above.

This Court finds from the evidences discussed in the impugned judgment that the husband-petitioner is an able-bodied person and in such circumstance award of Rs. 2000/- only as maintenance cannot be said to be unreasonable or excessive from the petitioner's point of view. No plausible ground has been raised in the revision application so as to invite any interference with the impugned judgment by this Court in its revisional jurisdiction.

In result, this revision application is dismissed.

The learned court below is directed to execute the impugned judgment as expeditiously as possible. This Court has noticed that the maintenance case was lodged by the applicant in the year 2008, it is not known whether the husband-petitioner has paid any maintenance to the applicant-wife so far. The impugned judgment/order rather shows that the petitioner had not complied with the interim order also. In such circumstance,



while dismissing the revision application, this Court directs the learned Principal Judge, Family Court, East Champaran, Motihari to see that the entire outstanding maintenance is realized from the husband-petitioner together with a cost of Rs. 25,000/-. The entire amount be made available to the applicant-wife as soon 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'.

