

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.383 of 2018

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

Chandramauli Yadav @ Chandramauli Kumar S/o Bhushan Yadav, R/o Village- Piprapur, P.S.- Sare, District- Nalanda.

... .. Petitioner

Versus

1. State Of Bihar
2. Sarita Devi W/o Chandramuli Yadav @ Chandramauli, D/o Khayali Yadav, R/o Village- Piprapur, P.S.- Sare, District- Nalanda at present R/o Mahsar, P.S.- Sheikhpura, District- Sheikhpura.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.
For the State	:	Mr. Nityanand, APP
For O.P. No. 2	:	Mr. Sheo Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 01-08-2022 No one appears for the petitioner. Learned counsel for the O.P. No. 2 and learned APP for the State is present.

Since this case is of the year 2018 and the impugned order is dated 16.02.2017, this Court considers it just and proper to dispose of the matter on the basis of the materials available on the record. This has become all the more necessary because learned counsel for O.P. No. 2 submits that in the name of pendency of the present application in this Court, the petitioner is not paying a single paisa to the O.P. No. 2.

A perusal of the impugned judgment would show that the marriage between the petitioner and the O.P. No. 2 is not in dispute. The marriage was solemnised in the year 2004. The allegation is that when the demand of one motorcycle and a



golden chain were not fulfilled by the family of the O.P. No. 2, she was ousted from the house of her husband. She was also assaulted whereafter she came to her *naihar* with her minor daughter where she is presently living. It is her case that her husband has neglected her and is not paying any maintenance either to the O.P. No. 2 or to her minor daughter.

On the point of income of the petitioner she has submitted the photocopy of the Malguzari receipts issued in the name of her husband showing that he has got 5 bighas of agricultural land. She has also brought on record a copy of the registration certificate (licence of contractor) in the name of her husband to show that he is engaged in contract works and has got sufficient income from the same.

In the learned court below the husband-petitioner did not appear despite issuance of notice and even after publication of notice in the newspaper, thus, the case against him proceeded ex-parte.

In the present case, this Court finds that the petitioner has not raised even a single ground assailing the ex-parte hearing of the matter. He has not denied that the notice was published in the newspaper.

Learned counsel for the O.P. No. 2 has submitted that



in such circumstances, the learned court below has committed no error in considering the materials available on the record and passing of an appropriate order. It is his submission that the learned court below has allowed only a meagre amount of Rs.4,000/- per month as maintenance to the O.P. No. 2 and Rs.2,000/- per month to her minor daughter which by no stretch of imagination may be said to be excessive.

Learned APP for the State has supported the case of the O.P. No. 2.

In the given facts and circumstances of the case, this Court is of the considered opinion that the learned Principal Judge, Family Court has rightly appreciated the materials available on the record. The Malguzari receipts of the land and the registration certificate (licence of contractor) are sufficient materials to come to a conclusion that the petitioner has got sufficient income from which he may part with a sum of Rs.6,000/- per month towards maintenance of his wife and the minor daughter.

This Court finds no reason to interfere with the impugned judgment.

The revision application is dismissed.

Let the Principal Judge, Family Court, Sheikhpura



proceed with recovery of the entire arrears and current
maintenance from the petitioner in accordance with law.

(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'.

