

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.45 of 2021

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

Md. Ejaj @ Ejaj, Son of Md. Ashfaque, Resident of Village - Haldiya Bihar,
Ward no. - 14, P.S. - Simraha (Forbesganj), Dist.- Araria

... .. Petitioner

Versus

1. Bibi Sarbari, D/O of Md. Abbas, Wife of Md. Ejaj, Residing at Village - Haldiya Bihar, Ward no. - 14, P.S. - Simraha (Forbesganj), Dist.- Araria
2. Md. Tadique, Son of Md. Ejaj (Represented by opposite party no. 1) both are residing at Village - Haldiya Bihar, Ward no. - 14, P.S. - Simraha (Forbesganj), Dist.- Araria

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr.Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-07-2022 Learned counsel for the petitioner undertakes to
remove the defects within two weeks.

Earlier the matter was adjourned on 24.06.2022 at the instance of learned counsel for the petitioner to enable him to bring on record the deposition of witnesses particularly the deposition of the petitioner in the learned court below showing his stand that about 3-4 bighas of land which belong to him are in possession of the opposite party.

Today, when the matter has been called out, Mr. Ramesh Kumar Singh, learned counsel for the petitioner prays for another adjournment which prayer has been rejected by the Court.



In the present case, the petitioner is aggrieved by and dissatisfied with the judgment dated 12th of November, 2019 passed in Maintenance Case No. 207 of 2015 by which the learned Principal Judge has awarded a sum of Rs.5,000/- to the applicant-wife towards her maintenance and Rs.2,000/- per month to her minor son.

On perusal of the impugned order, it appears that in the learned court below, the applicant-wife has proved her case by presenting herself as a witness. She has been supported by other applicant witnesses.

On the other hand, the opposite party-husband did not bring any evidence before the learned court below. He did not present himself for examination. The learned court below has, thus, accepted the case of the applicant and allowed the same in terms stated hereinabove.

Learned counsel for the petitioner is unable to demonstrate that there is any perversity in the findings recorded by the learned court below. This Court had earlier given him an opportunity to place on record the evidence, if any, to support his submission that about 3-4 bighas of land are in possession of the applicant-wife. No material at all has come before this Court.



In these circumstances, this Court finds no reason to interfere with the impugned judgment. The revision application has, thus, no merit. It is dismissed accordingly.

Let the court below proceed to enforce the impugned judgment in accordance with law.

Mr. Anil Kumar Singh No. 1, learned APP for the State is present.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

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'.

