

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL REVISION No.567 of 2019

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

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SURESH YADAV @ SURESH PRASAD Son of late Saryug Yadav Resident of Muhalla - Punaichak, P.O , G.P.O., P.S.- Sashtri Nagar, Distt - Patna.

... .. Petitioner

Versus

1. PRINCE Son of late Sanjeev Kumar @ Sanju under the guardianship of his natural Mother Sita Devi Resident of Mohalla - Chandmari Road, P.S.- Kankarbagh, Distt - Patna.
2. Sita Devi Wife of late Sanjeev Kumar @ Sanju Resident of Mohalla - Chandmari Road, P.S.- Kankarbagh, Distt - Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 23-09-2022 No one appears for the petitioner to press this application.

From the impugned order it appears that this revision application has been filed after withdrawing the Misc. Appeal No. 132 of 2016 which was disposed of vide order dated 14.03.2019 granting opportunity to the petitioner to prefer a revision application against the impugned order, the petitioner was given the benefit of counting of limitation with effect from the said date. This revision has been filed within the limitation period thereafter. Hence the limitation is condoned.



On perusal of the impugned order it appears that the opposite party is the grandson of this petitioner. His father, pre-deceased him whereafter the mother being the natural guardian preferred this maintenance case under Section 125 Cr.P.C. in the year 2009. The opposite party – petitioner appeared in this case on 05.01.2010 but did not file any show cause. Later on he left pairvi in the case.

The applicant and her witnesses have proved that all the properties of the deceased son of the petitioner is in his control, still the minor son of the deceased was being neglected. Considering the price rise of essential commodities and articles, the learned court has allowed a maintenance of rupees 2000/- per month only to the applicant.

This Court finds no reason to interfere with the meager sum of rupees 2000/- per month. The impugned order is of 03.02.2015, if the petitioner has not paid the maintenance amount to the opposite party he would be liable to pay the arrears of maintenance and current maintenance together with an additional sum of rupees 25000/- as cost to the opposite party.

Let the learned Principal Judge, Family Court proceed to execute the impugned order and realize the entire amount together with cost as expeditiously as possible.



This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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’.

