

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.53 of 2021

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

Lalit Vijay Thakur S/O Radhey Thakur Resident Of Itahari, Police Station-Ariyari, District-Sheikhpura.

... .. Petitioner

Versus

1. The State of Bihar
2. Bibha Kumari W/o Lalit Vijay Thakur, D/o Sahdeo Thakur Resident of Itahari, Police Station-Ariyari, District-Sheikhpura at present Resident of Village-Mahrath, Police Station-Kashichak, District-Nalanda.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP
For the O.P. No. 2	:	Dr. Anjani Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2022 Learned counsel for the petitioner submits that though he has filed an interlocutory application for condonation of delay but in this case the impugned judgment was passed on 04.03.2020 and the period of limitation expired during the complete lockdown period arising out of Covid-19 pandemic situation. It is submitted that during the period, the judgment of the Hon'ble Supreme Court of India in Suo Motu Writ (Civil) No.5 of 2020 as well as judgment of the Hon'ble Full Bench of this Court in Civil Writ Jurisdiction Case No.5633 of 2020 were in force and subsequently it has been held that period up to 20th March, 2022 shall not be taken into consideration to count the period of limitation, therefore, it is his submission that I.A. No.1 of 2022 is not required to be considered and the revision



application may be treated in time.

There is no opposition to such submission of the petitioner. In that view of the matter, the delay is condoned.

The petitioner in the present case is seeking setting aside of the order dated 04.03.2020 passed by learned Principal Judge, Family Court, Sheikhpura in Maintenance Case No. 23(M) of 2019 by which the learned court has allowed maintenance amount of Rs.6,000/- per month to O.P. No. 2.

In course of evidence, it has come that the petitioner has a tractor, tempo and thresher and he is engaged in work of cultivation of land from which he has an income of at least Rs.1 lakh per month.

The learned Principal Judge has found that in course of cross-examination, the applicant-wife had deposed that her husband had ousted her from the matrimonial home on 11.12.2019 and since then she is living in her Maika. It has also been noticed that the applicant-wife was supported by her mother who deposed as AW 2. So far as the opposite party-husband is concerned, though he deposed that he had no source of income but he admitted that he has a tractor.

Learned counsel for the petitioner does not deny that the petitioner has himself admitted in course of evidence that he



has a tractor.

In the given facts and circumstances, there is no plausible ground to interfere with the impugned judgment. Finding no merit in this revision application, it is dismissed.

Let the impugned judgment be enforced by the learned Principal Judge, Family Court, Sheikhpura.

(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'.

