

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1377 of 2018

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

Md. Ishteyaque @ Md. Ishteyak Son of Md. Ghulam Rasool Ansari Resident
of Village-Faridpur,Sakra,P.O. Dholi,P.S. Sakra,Distt.-Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nadira Nishat W/o Md. Ishteyaque @ Md. Ishteyak Resident of Village-Faridpur Sakra,P.S. Sakara,Distt.-Muzarpur at present D/o Md. Salahuddin,R/o Mohalla-Sadpura,P.S. Quazi Mohammadpur,Distt.-Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the O.P.No.2 : Mr.Sanjay Kumar @ S.K., Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-09-2022 No one appears for the petitioner. Mr. Sanjay Kumar @ S.K., learned counsel for the opposite party no.2 is present.

Since it is a case of the year 2018 and pertains to maintenance of a neglected woman, this Court deems it just and proper to dispose of the matter on the basis of the materials available on the record.

On perusal of the impugned order, it appears that the relationship of the petitioner and the opposite party no.2 as husband and wife is not in dispute. The wife has alleged torture by the husband and his family members and that she had been ousted from the matrimonial house. She is living in her Naihar from 25.02.2014. The husband-petitioner has



solemnized second marriage and this fact has been admitted by the husband himself in his evidence. The learned court below has recorded a finding that the attitude of the opposite party itself shows that he was never intending to keep his wife and was not giving any maintenance.

As regards the income of the husband, the learned court below has found that he is running a computer training center for the kids and is also having a photostat shop and his income has been assessed as Rs.30,000/- per month. This has been done by the learned court below after holding that the husband-opposite party was not providing any documentary proof of the income. In these circumstances, a sum of Rs.4,000/- has been awarded to the applicant-wife who is opposite party no.2.

Learned counsel for the opposite party no.2 submits that the impugned order is a well reasoned order and needs no interference.

From the forgoing findings recorded by the learned Principal Judge, Family Court, Muzaffarpur, this Court is convinced that no illegality or infirmity has been committed by the learned court below in awarding a sum of Rs.4,000/-



per month as maintenance to the applicant-wife.

If the petitioner is not paying the maintenance amount as per the impugned order, the learned court below is directed to take appropriate steps as expeditiously as possible to recover the entire arrears of maintenance within a period of six months from the date of communication of this order. The court may grant few installments to the petitioner in the matter of payment of arrears. He will, however be obliged to pay the current maintenance in terms of the order.

Since learned counsel for the opposite party no.2 is unable to say as to whether the petitioner has been paying the maintenance amount or not, this Court is not passing any order imposing cost upon the petitioner. In case, however it is found by the learned court below that the petitioner has completely neglected the opposite party no.2 and has not paid the maintenance amount for these four years, a further sum of Rs.25,000/- shall be recovered from the petitioner towards payment of cost to the opposite party no.2 who has been made to contest this litigation for all these years. This amount shall also be realized as indicated above.



This application stands disposed of accordingly.

(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'.

