

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.321 of 2018

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

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Lakhpati Devi, Wife of Shivaji Gond, daughter of Daroga Gond, Resident of Village- Ariyawan, Police Station- Krishna Braham, District- Buxar.

... .. Petitioner

Versus

Shivjee Gond, Son of Kashi Gond, Resident of Village- Chilahari Police Station- Dumraon, District- Buxar.

... .. Respondent

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Appearance :

For the Petitioner/s	:	Mr. Baxi SRP Sinha, Sr. Advocate
		Mr. Mrigendra Pratap Singh, Advocate
For the O.P.	:	Mr. Arvind Kumar Pradhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 18-08-2022 Heard Mr. Baxi S.R.P. Sinha, learned Senior Counsel

for the petitioner and Mr. Arvind Kumar Pradhan, learned

counsel for the opposite party.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 24th of November, 2017 passed in Maintenance Case No. 118(M) of 2010 whereby and whereunder the case of the petitioner has been dismissed holding that the petitioner has failed to produce any evidence in support of her contention.

Learned Senior Counsel for the petitioner submits that the petitioner is a poor neglected woman who had been thrown out by her husband. Her husband has solemnized third marriage and is living with his wife with the third marriage and has got



four children out of that wedlock. It is submitted that the petitioner had examined at least three witnesses including herself in course of hearing of her application under Section 125 Cr.P.C. which was proceeding ex-parte but later on the opposite party appeared and the ex-parte proceeding was recalled on payment of cost of Rs. 600/-. Thereafter, the petitioner could not pursue her case and did not examine any witness after recall of the ex-parte order.

It is submitted that the application for maintenance was filed some time in the year 2010 and the impugned judgment has been passed on 24.11.2017, thereafter almost five years have gone past.

Learned Senior Counsel submits that in such circumstance it would be more appropriate to resolve the issue amicably and with the consent of the parties.

This Court had, earlier, after hearing learned Senior Counsel for the petitioner granted time to learned counsel for the opposite party to seek instruction and to inform this Court as to how much maintenance will be paid by the opposite party to the petitioner on his own volition. A specific order to this effect has been passed on 16.08.2022.

Today, Mr. Arvind Kumar Pradhan, learned counsel



for the opposite party submits that the opposite party is ready to part with a sum of Rs. 1000/- per month in favour of the petitioner towards her maintenance. It is submitted that the opposite party has got liability towards his four children and from whatever income he has he is unable to pay more than Rs. 1000/- at this stage.

This Court finds that this petitioner is looking for maintenance since the year 2010. It is not the case of the opposite party that he was paying any maintenance amount to the petitioner. At this stage, he has come on his own to pay Rs. 1000/- per month only but is not disclosing his total income before this Court.

Taking into consideration the entirety of the facts and circumstances and the materials, this Court allows the application under Section 125 Cr.P.C. and directs the opposite party to pay a sum of Rs. 1,500/- per month to the petitioner w.e.f. from the date of her application. The opposite party may request the learned Principal Judge, Family Court, Buxar to fix installment for payment of the arrears of maintenance but he will start paying the current maintenance w.e.f. the month of August, 2022 itself. Such payments will be made directly in the account of the petitioner. Petitioner shall make available her



Bank account/Post Office account number to the opposite party within two weeks from today.

In case the Bank account/Post Office account number is not available with the petitioner, such payments will be deposited in the learned court below every month, failing which the same will be realized by the court below in accordance with law.

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'.

