

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.87 of 2017

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

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Randhir Sah @ Randhir Kumar, Son of Jagdish Sah, Resident of Village-Shekhopur, P.S. Desari, District-Vaishali

... .. Petitioner

Versus

1. State Of Bihar
2. Sharmila Devi Wife of Randhir Sah Resident of Village-Shekhopur, P.S. desari, District-Vaishali at Present resident of Village-Chandpura Nanhkar, P.S. Desari, District-Vaishali

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Natraj Verma, Advocate
For the State : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-11-2022 Heard learned counsel for the petitioner.

Petitioner is aggrieved by and dissatisfied with the order dated 28.10.2016 passed by the learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case no. 04 of 2010. By the impugned order, the learned Family Court has allowed a maintenance amount of Rs. 2,500/- to the applicant-wife and this petitioner being husband has been directed to pay the same.

Learned counsel for the petitioner submits that in the Court below the plea of the petitioner was that his wife is having independent source of income and that is sufficient to maintain herself. It is further submitted that the applicant-wife has remarried.



Learned counsel submits that these two grounds are such that it would make the applicant-wife dis-entitle for the reliefs prayed in the application under Section 125 CrPC.

Since the deposition of the witnesses were not placed on the record, this Court called upon learned counsel for the petitioner to make available the copy of the deposition of the witnesses. Learned counsel has placed before this Court a copy of the deposition. Perusal thereof clearly demonstrates that the marriage between the petitioner and the opposite party no. 2 is admitted. The applicant-wife has deposed that the marriage took place on 28.10.2001 in accordance with the Hindu rites and customs. She has further deposed that her husband is a Panchayat teacher in the upgraded middle school, Murauwatpur and he has a salary of Rs. 55,000/- per month. She has further alleged that on 15.06.2007 she was ousted from her matrimonial house. In her cross-examination, the applicant-wife has stated that though she had got a job in a residential school on a salary of Rs. 3,000/- per month but she could not do that job. This Court finds from the evidence of the applicant- wife that no question was put to her raising any doubt as to the solemnization of marriage. In her cross-examination, no question was put to her pointing out that she has performed a



second marriage rather the deposition shows that while responding to a question put to her by and on behalf of the O.P.- husband, she has denied the suggestion that her case about her husband performing a second marriage is wrong.

In course of argument, learned counsel for the petitioner admits that the plea which he is trying to raise in this Court were not raised in the court below by adducing any evidence.

In result, this Court finds no error in the impugned order. This revision application has no merit, it is dismissed accordingly.

This Court finds that the maintenance case was filed by the applicant-wife in the year 2010, twelve years have gone thereafter and learned counsel for the petitioner is unable to say as to whether the petitioner is paying this amount to his wife or not.

In such circumstances, this Court directs learned Principal Judge, Family Court, Vaishali at Hajipur to enforce the impugned order as expeditiously as possible and in case, it is found that the payments have not been made to the applicant-wife, the entire arrears of maintenance shall be realized together with a cost of Rs. 25,000/- from the petitioner and the same



shall be made available to the applicant-wife.

The learned court below shall in order to enforce the order direct the employer of the petitioner to deduct the amount so required from his salary and remit it to the O.P. no. 2.

In case, there would be any change of circumstances, the petitioner is at liberty to apply for appropriate remedy.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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