

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.244 of 2018**

**In
Miscellaneous Appeal No.103 of 2017**

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

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Sri Bhagwan Singh, Son of Basant Singh, Resident of Village- Dulhara, Post Office- Biur, Police Station- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner

Versus

1. Sushila Devi, Wife of Sri Bhagwan Singh.
2. Kajal Kumari (Minor) Daughter of Sri Bhagwan Singh.
3. Shiv Shakti (Minor) Son of Sri Bhagwan Singh.

Both through their guardian Sushila Devi.

All Resident of Village- Dulhara, Post Office- Biur, Police Station- Chainpur, District- Kaimur at Bhabua. At present Address- Resident of Village- Akodhi, Police Station- Bela, District- Kaimur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Advocate
For the Respondent/s	:	Mr.

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

8 23-09-2022 Despite repeated opportunity granted to learned counsel for the petitioner to argue the matter, he has not argued and kept on praying for adjournment.

This Court finds from the records that in this case, the applicant – wife and two minor children of the petitioner filed a case under Section 125 Cr.P.C. in the court of learned Principal Judge, Family Court, Bhabua giving rise to Maintenance case no. 06 (M) of 2011.

After five years, the case was decided and the applicant – wife and the two minor children were allowed a monthly maintenance of Rs.2,000/- and Rs.1,000/- each. The total being



Rs.4,000/- for the applicant – wife and the two minor son and daughter respectively. The petitioner instead of paying the same, moved this Court by filing a miscellaneous appeal giving rise to Miscellaneous Appeal No.103 of 2017 which was later on allowed to be converted in a revision case vide order dated 07.02.2018. The learned Coordinate Bench of this Court issued notice to the opposite party no. 1 only vide order dated 01.10.2019 and the petitioner was directed to file the requisites for notice by 20th of October, 2019. The office notes dated 22.09.2022 shows that the requisites were not filed.

As a result of non-compliance with the order of this Court passed about three years back, the opposite party no. 1 could not appear.

Under these circumstances, this Court called upon learned counsel for the petitioner to satisfy as to why this revision application be not dismissed not only for the reason that the petitioner has failed to comply with the order of this Court but also because on perusal of the impugned order, it appears to this Court that the opposite parties have been awarded a meagre sum of Rs.2,000/- and Rs.1,000/- only payable every month.

This Court finds that in the court below, this petitioner had appeared and he had contested the case. The allegation



against him is that he had been demanding dowry in cash and kind both and due to non-fulfilment of the same, he had thrown his wife and minor children out of the matrimonial home. It is also alleged that he has married to a girl of the village itself. He is engaged in cultivation of land of his own as well as on Batai. The petitioner admitted in his cross-examination that his wife and two minor children were living in his sasural. The learned court below having examined the materials on the record, recorded that in the evidence of the applicant and the other witnesses it has come that this petitioner has got a substantial piece of agricultural land and he is also engaged in doing cultivation of land of others on Batai. He has sufficient means to maintain his wife and two minor children.

This Court finds that the learned court below has awarded a very meagre amount and that too has not been paid by the petitioner. His neglected wife and the minor children have been compelled to contest maintenance case and the same has already been prolonged for 11 years. In the opinion of this Court, it may be travesty of justice if the petitioner is given any further indulgence in this matter to keep the application pending.

This application is, therefore, dismissed.



If the petitioner has not paid any maintenance to his wife and minor children in terms of the order of the Court, he would be liable to pay a further sum of Rs.25,000/- as cost to the opposite party No.1.

Let the learned Principal Judge, Family Court, Bhabua recover the entire arrears and current maintenance together with the cost from the petitioner and make it available to the opposite parties as expeditiously as possible.

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'.

