

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.432 of 2018

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

1. Kumkum Devi, W/O Ghanshyam Sharma D/O Shatrughan Singh, Resident of village - Tulsigarh, Police Station - Chandi, District - Nalanda.
2. Gauri Kumari, D/O Ghanshyam Sharma Under the guardianship of her mother namely, Kumkum Devi, W/O Ghanshyam Sharma. At present R/O Vill.- Tulsigarh, P.S.- Chandi in the District of Nalanda.

... .. Petitioners

Versus

Ghanshyam Sharma S/O Late Lala Singh R/O Vill.- Momindpur, P.S.- Hilsa in the District of Nalanda. At present posted as Assistant in the Office of District- General Manager, Industry Department , Muzaffarpur.

... .. Respondent

With

CRIMINAL REVISION No. 342 of 2018

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

Ghanshyam Sharma Son of Late Lala Singh, Resident of Village-Mominpur, P.S. Hilsa, District-Nalanda, at Present Sahayak Zila Mahaprabandhak, Udyog Bibhag, Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Kumkum Devi, W/o Ghanshyam Sharma, Resident of Village-Mominpur, P.S. Hilsa, District-Nalanda, at Present D/o Shatrughan Singh, Resident of Village-Tulsigarh, P.S. Chandi, District-Nalanda.
3. Gauri Kumari, D/o Ghanshyam Sharma, Resident of Village-Mominpur, P.S. Hilsa, District-Nalanda, at Present Resident of Village-Tulsigarh, P.S. Chandi, District-Nalanda.
4. Chandan Kumar, Son of Ghanshyam Sharma, Resident of Village-Mominpur, P.S. Hilsa, District-Nalanda, at Present Resident of Village-Tulsigarh, P.S. Chandi, District-Nalanda.

... .. Respondents

Appearance :

(In CRIMINAL REVISION No. 432 of 2018)

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Mr.Jai Prakash Singh, Advocate

(In CRIMINAL REVISION No. 342 of 2018)

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Respondent/s : Mr. Sunil Kumar, Advocate

For the State : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 26-07-2022

Heard learned counsel for the parties.

Petitioners, in the present case, are aggrieved by and



dissatisfied with the order dated 18.01.2018 passed by learned Principal Judge, Family Court, Nalanda (Biharsharif) in Maintenance Case No. 78M of 2013 whereby the opposite party has been directed to pay Rs. 4000/- to the petitioner no. 1 and Rs. 1000/- to petitioner no. 2 as maintenance. They are the wife and daughter respectively of the sole opposite party namely, Ghanshyam Sharma.

In the another Criminal Revision (Cr. Rev. No. 342/2018) which has been heard side-by-side with the present case, the petitioner is Ghanshyam Sharma who has also challenged the impugned order dated 18.01.2018 passed by learned Principal Judge, Family Court, Nalanda at Biharsharif.

By the impugned order, the learned court below has directed the petitioner Ghanshyam Sharma to pay a sum of Rs. 4000/- per month to his wife (petitioner no. 1 in Cr. Rev. No. 432/2018) and a sum of Rs. 1000/- to each of the two children till they attain the age of majority.

By an interim order dated 08.11.2019, this Court directed the petitioner to pay a sum of Rs. 5000/- per month maintenance in favour of his wife and two children.

Learned counsel for the petitioner namely, Ghanshyam Sharma has submitted that the interim order is



being complied with. This has not been denied by learned counsel representing the petitioners in Cr. Rev. No. 432/2018.

It is however, submitted that the payments are not being made regularly which creates hardship to the petitioners - wife and daughter.

Be that as it may, after a detail discussion at the Bar, learned counsel for the parties agree on instruction that so far as the two children are concerned, they have already attained majority and on the date of passing of the impugned judgment they were major, therefore, the maintenance amount awarded to them would be payable even as per order of the learned court below only till the time they attain the age of majority.

In that view of the matter, so far as the amount of maintenance to the two children are concerned, the same will be calculated from the date of filing of the application in the learned court below till the date they attain majority. This will be worked out in the learned court below. It is also open for the parties to work out on the arrears and make payment of the amount if any due against the same.

It has also been agreed that on the date of filing of the application if the son was major then he will not claim any maintenance on his account.



The petitioner is working as Work Treasury Sarkar in the District Industries Centre, Muzaffarpur. Learned counsel for the petitioner Ghanshyam Sharma having understood the materials available on the record and what has transpired at the Bar submits that he has instruction from his client to take a decision as may be deemed just and proper.

Learned counsel submits that the petitioner Ghanshyam Sharma would henceforth pay a sum of Rs. 8,000/- per month towards maintenance allowance to his wife who is petitioner no. 1 in Cr. Rev. No. 432/2018.

Learned counsel for the petitioner no. 1 in Cr. Rev. No. 432/2018 submits that since her husband is agreeing on his own to pay Rs. 8,000/- per months henceforth, therefore, she will not press her claim to allow this amount with effect from the date of the application and will be satisfied if the said amount is paid with effect from the month of July, 2022 with the arrears as per the impugned order.

In the aforesaid view of the matter, since the dispute has been resolved in course of hearing of both these applications, this Court is disposing of the criminal revision applications by recording the undertaking of the petitioner namely, Ghanshyam Sharma that from the month of July, 2022 he will pay a sum of Rs. 8,000/- per month to his wife who is petitioner no.1 in Cr. Rev. No. 432/2018



with the arrears, if any, in terms of the impugned order. In the changed circumstances in future, it will be open for the petitioner no. 1 to file an appropriate application in the learned court below for modification/alteration of the amount of maintenance.

This Court has been informed that the petitioner no. 2 has attained marriageable age but petitioner no. 1 has no source of income from which she can arrange for the marriage of petitioner no. 2. Since the petitioner Ghanshyam Sharma (in Cr. Rev. No. 342/2018) is admittedly the father of petitioner no. 2, this Court expects that he will immediately look into this issue and will fulfill his pious obligation to perform the marriage of petitioner no. 2 from the resources/income available with him.

In case he fails to fulfill his obligations, it will be open for the petitioners in Cr. Rev. No. 432/2018 to take appropriate steps in accordance with law.

Since the parties have reached an amicable solution, there will be no order as to costs.

Both these applications stand disposed off accordingly.

Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

