

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.522 of 2018

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

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Md. Rustam @ Rustam, Son of Late Aziz, resident of Village- Khikhirmania,
P.S. Dagarua, District- Purnea.

... .. Petitioner

Versus

1. Rehana Khatoon, Wife of Rustam, Daughter of Sheikh Kadir, resident of
Village- Khikhirmania, P.S. Dagarua, District- Purnea.
2. The State of Bihar

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar Singh, Advocate Mr. Kamaluddin, Advocate
For the State	:	Mr.Sri Bhanu Pratap Singh, A.P.P.
For the O.P. No. 1	:	Mr. Manish Kumar, Advocate Mr. Rajesh Kumar, Advocate Mr. Shakti Suman Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 11-07-2022 By order dated 17.01.2019, this Court while issuing

notice to opposite party no. 1 directed the petitioner to pay Rs.

2,000/- as maintenance to opposite party no. 1 and her daughter

subject to the final order. The maintenance amount was to be

paid directly in the saving bank account of opposite party no. 1

by 10th of every current month commencing from February,

2019.

In the meantime, the order dated 06.03.2018 passed

by learned Principal Judge, Family Court, Purnea in

Maintenance Case No. 352 of 2014 by which the petitioner was

directed to pay a sum of Rs. 3,500/- per month to his wife and



Rs. 1500/- per month to his minor daughter was stayed.

Learned counsel for the petitioner made a statement on 28.02.2019 that during pendency of the revision application an application under Section 281 of Mohamedan Law has been allowed and he may file the order as passed by the Family Court.

On the last date, this Court directed him to place such order on record. By filing a second supplementary affidavit it has been placed on record. By this order, the learned Principal Judge, Family Court has directed both the parties to live together as husband and wife.

Learned counsel for the petitioner submits that despite the said order the opposite party no. 1 is not living with him, therefore, the impugned order directing payment of maintenance to the opposite party no. 1 is fit to be quashed.

Learned counsel for the opposite party no. 1 submits that the order by which the learned Principal Judge, Family Court has directed the petitioner and opposite party no. 1 to live together is an ex-parte order and in the said case the opposite party no. 1 was not afforded sufficient opportunity to file her reply. She has filed a miscellaneous case in the court of learned Principal Judge, Family Court, Purnea which is still pending.



It is his submission that in any view of the matter, the revision application is directed against the impugned judgment by which the present petitioner has been directed to pay the maintenance amount to his wife and minor daughter. The learned Principal Judge has come to a conclusion that the present petitioner has admitted in course of his evidence that he is running a biscuit factory and has got five bighas of land. He has stated in his deposition that he pays Rs. 5,000/- per month on his own volition to the opposite party no. 1. The learned Family Court has also come to a conclusion that the opposite party no. 1 has no sufficient income to maintain herself.

Learned counsel for the petitioner has not assailed the impugned judgment on any cogent ground. He has not disputed that in course of his evidence he has admitted to have a biscuit factory and he has got five bighas of land.

Learned counsel for the opposite party no. 1 submits that the petitioner made a false statement in course of his evidence that he was paying Rs. 5,000/- per month to his wife and minor daughter, the fact is that the petitioner is not paying a single farthing to the opposite parties.

This Court has perused the entire materials on the record and find from the discussions made in the impugned



judgment that in course of his evidence the opposite party-petitioner has himself admitted that he runs a biscuit factory and has been engaged in cultivation of land and he is sowing *Makhana* by taking land on lease hold basis.

In his grounds stated before this Court, in fact, no ground has been made out to interfere with the impugned judgment. The fact that despite the order of this Court, the petitioner has not paid even Rs. 2,000/- per month to his wife and minor daughter speaks against his conduct.

In the opinion of this Court, this revision application has no merit. It is dismissed accordingly.

The petitioner is given an opportunity to comply with the interim order of this Court dated 17.01.2019 by paying the entire amount due to the opposite parties by virtue of the interim order within a period of two months from today failing which the opposite party no. 1 is at liberty to file an application seeking initiation of a contempt proceeding against the petitioner.

By virtue of the dismissal of this revision application, the learned Principal Judge, Family Court, Purnea shall proceed to enforce his judgment in accordance with law without granting unnecessary adjournment in the matter.



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'.

