

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.660 of 2018

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

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Anjana Rani Daughter of Awadhesh Prasad Singh, Resident of Village-
Meghaul, P.S. Meghaul, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sudhir Kumar Singh, son of Shri Raj Kumar Singh, Resident of Ratanpur
Deodhi, P.S. Begusarai Town, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the State : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-09-2022 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State. Although the

opposite party no.2 has entered appearance through an advocate,

but he is not represented.

Petitioner in this case is aggrieved by and dissatisfied
with the order dated 07.03.2018 passed by the learned Principal
Judge, Family Court, Begusarai in Maintenance Case No.11 of
2016. By the impugned order, the learned Principal Judge,
Family Court, Begusarai has modified the earlier interim order
dated 03.04.2017 by which a sum of Rs.10,000/- per month was
awarded as an ad-interim maintenance to the petitioner together
with a sum of Rs.500/- per month as litigation cost.



Learned counsel for the petitioner submits that by the impugned order now the learned court below has brought down the ad-interim maintenance to Rs.4,000/- per month. It is submitted that the order dated 07.03.2018 is wholly without jurisdiction. The learned court below has not decided the maintenance case no.11 of 2016 till date.

Learned counsel submits that on a bare perusal of the impugned order it would appear that no reasoning at all has been provided as to why the ad-interim maintenance be reduced to Rs.4,000/- per month. The learned court below has failed to appreciate that the ad-interim maintenance was allowed after taking into consideration the monthly income of the husband-opposite party no.2.

It is submitted that the husband-opposite party no.2 is working as an Assistant in a medicine company and at the relevant time he was getting a sum of Rs.30,000/- per month as salary. He has performed a second marriage and is living his life happily with the said lady. He has also got 30 acres of agricultural land and rent income from the buildings, these facts are recorded in the previous order dated 03.04.2017 but while reducing the maintenance amount these aspects of the matter have been lost sight of.



This Court finds from the record that a notice was issued to opposite party no.2 as back as on 24.09.2018. He has entered appearance but there is no representation on his behalf. No affidavit in opposition has been filed.

In the given facts and circumstances of the case, this Court is of the considered opinion that the learned Principal Judge, Family Court has committed a grave error in reducing the maintenance amount on a mere asking of the husband-opposite party no.2. No reason at all has been provided in the impugned order to justify the reduction of ad-interim maintenance amount. It is further difficult to understand that why the maintenance case has been kept pending for all these years.

A proceeding under Section 125 Cr.P.C. is a summary proceeding and if a case of this nature is kept pending for 6-7 years, the very purpose for which the provision was incorporated in the statute book loses its significance. This Court, therefore, sets aside the impugned order dated 07.03.2018, restores the order dated 03.04.2017 and directs the learned court below to conclude the maintenance case no.11 of 2016 within a period of four months from the date of communication of this order after giving an adequate



opportunity to both the sides. No unnecessary adjournment shall be granted to the either side.

This application stands disposed of accordingly.

Learned counsel for the petitioner has informed this Court that till date the husband-opposite party no.2 has paid only a sum of Rs.40,000/-. He is not paying even the reduced maintenance amount for over three years. If it is so, the conduct of the petitioner in not paying the amount even in terms of the impugned order for all these years would call upon this Court to take a strict view of the matter. The O.P. No. 2 has kept the petitioner engaged in litigation during all these years, therefore, this Court imposes a cost of Rs.25,000/- upon the opposite party no.2 payable to the petitioner within a period of one month from today. He will pay the entire arrears of maintenance within a period of nine months in equal monthly installments and shall continue to pay the current maintenance in terms of the order dated 03.04.2017 till final disposal of the maintenance case.

The learned court below shall execute the order in accordance with law as expeditiously as possible.

After this Court has already dictated the aforesaid order, Mr. Dharamveer, learned counsel appears and submits that the opposite party no.2 has obtained no objection on



vakalatnama from one of the advocates on record namely Mr. Chandan Kumar Kashyap. This Court would not be concerned with the same as it was for the opposite party no.2 to depute his lawyer. He cannot be permitted to keep the Court engaged under compulsion to adjourn the matter on one ground or another. The conduct of the opposite party no.2 is highly deprecated and it needs to be discouraged.

(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'.

