

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.993 of 2018

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

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Md. Nasir @ Mahamad Naseer, S/o- Fazlu Rahman, Resident of Village-
Mobayya, P.S. Korha, District Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Tabisa Khatoon, W/o- Md. Nasir, D/o- Late Sk. Asmal, Resident of Village-
Rampur, P.S. Korha, District- Katihar.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate.
For the Respondent/s : Ms. Smt. Meena Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-08-2022

I.A. No. 2697 of 2018

This Interlocutory Application has been filed seeking condonation of delay of two years one month seven days in filing of the present revision application for setting aside of the order dated 08.04.2016 passed in Maintenance Case No. 258 of 2010 by the learned Principal Judge, Family Court, Katihar.

Learned counsel for the petitioner submits that the petitioner procured the order dated 08.04.2016 on 26.07.2016 and thereafter he remained bedridden due to several illness and the petitioner is illiterate who is living a life below poverty line.

Learned counsel further submits that only at a belated stage the petitioner approached the Patna High Court, Legal Aid



Committee and then this matter has been filed.

This Court finds from the materials on the record that in support of his contention that the petitioner remained bedridden due to several illness, not a single documentary evidence by way of medical prescription of any doctor showing sufferance of the petitioner from such illness and/or his treatment for any disease has been brought on the record. The petitioner has himself sworn the affidavit on 13.09.2018 which suggests that he was present at Patna.

This Court has further perused the impugned order. It appears that the applicant-wife filed her application seeking maintenance sometime in the year 2010. For 8 years, the application remained pending. The applicant-wife has alleged that she has been neglected and thrown out of her matrimonial home. She has brought evidence by producing herself as a witness and four other witnesses showing that her husband-petitioner is running a kirana store. The husband-opposite party could not extract any contradiction from the applicant and her witnesses. The Court has allowed only a meagre amount of Rs.3,000/- per month which would come to Rs.100/- per day. In present days even an unskilled labourer earns around Rs.400/- per day.



There being no material at all to suggest that the petitioner was suffering from illness and had bedridden, this Court cannot accept the casual and irresponsible kind of statements made in paragraph '3' of the application seeking condonation of delay. To this Court, it appears that the revision application has been filed belatedly just to circumvent the implementation of the impugned order.

In the opinion of this Court, considering the entirety of the circumstances, the application seeking condonation of delay is fit to be rejected and the same is accordingly rejected.

In result, this revision application fails.

Learned court below shall proceed to execute the impugned judgment as expeditiously as possible.

(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'.

