

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.854 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

Sikandar Yadav S/o Vishan Yadav @ Kishan Yadav R/o village- Siho, P.S.-
Banka, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jhumia Devi W/o Sikandar Yadav, D/o Mahapal Yadav At present Resident of Village- Badwasani Tola, Baradih, P.S.- Katoria, District- Banka
3. Arti Kumari D/o Sikandar Yadav Under the Guardianship of her mother Jhumia Devi, Wife of Sikandar Yadav. At present Resident of Village- Badwasani Tola, Baradih, P.S.- Katoria, District- Banka

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioner.

In course of argument, learned counsel for the petitioner submits that the petitioner is ready to pay the maintenance amount to his wife, therefore, he would not challenge that part of order by which maintenance has been allowed to the applicant wife. Learned counsel, however submits that so far as the maintenance allowed to the minor daughter is concerned, that is required to be set aside because the minor daughter is living with the petitioner and the petitioner is taking care of all her expenses.

From the submissions made on behalf of the



petitioner, this court finds that the petitioner is ready to pay maintenance in terms of the judgment of the learned court below to his wife, therefore, the learned court shall execute the impugned judgment in respect of the wife as expeditiously as possible.

So far as the maintenance allowed to the minor daughter is concerned, if the petitioner files an appropriate application in the learned court below and demonstrates that the minor daughter is living with him and he is meeting all her expenses, the learned court below shall consider the application in accordance with law after giving appropriate opportunity of hearing to both the sides. Such application, however must be filed within a period of 45 days from today and an appropriate order thereon shall be passed by the learned Principal Judge, Family Court, Banka within a period of 60 days from the date of filing of the application.

While considering such application, the learned Principal Judge shall also consider the specific period up to which the minor child has stayed with her mother and shall ensure that to that extent the petitioner must pay the maintenance amount awarded to the minor daughter. If there is any change of circumstance, the period with effect from the date



the circumstances changed will be the guiding factor for the learned court below to take an appropriate view of the matter.

Learned counsel for the petitioner submits that since March, 2020 the minor daughter is living with the petitioner. Prior to that the petitioner was paying Rs. 4000/- per month.

If this is the position, the petitioner would be required to file an appropriate application in the learned court below for alteration of the order as regards the minor daughter which will be considered by the learned court below in accordance with law law after giving appropriate opportunity of hearing to both the sides.

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'.

