

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.39 of 2021

Arising Out of PS. Case No.-11 Year-2018 Thana- DOMESTIC VIOLENACE District- Patna

Mallika @ Malika Wife Of Md Babar Ali, D/O Mahmood Ali R/o C/o Md.
Hashim, Khajanchi Road, P.S.- Pirbahore, Distt.- Patna

... .. Petitioner

Versus

1. Dr. Md. Babar Ali, son of Md. Akhtar Rehmani, permanent R/o Mohalla-Benta, Eidgah Road, DMC Campus, P.S.- Laheriasarai, Darbhanga, Presently working at Sub Divisional Hospital, Mohania, District- Kaimur, Bihar 821109.
2. The State of Bihar

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Saket Anand, Advocate Mr.Chhaya Kirti, Advocate
For the Opp. Party No.2	:	Mr.Ratnesh Kumar, Advocate
For the State	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 26-07-2022 Neither the petitioner nor the opposite party no.1 has

complied with the order dated 27.06.2022 by filing their

financial details etc. The order dated 27.06.2022 reads as under:

“After some argument, learned counsel for the petitioner submits that as regards the guardianship and custody of the children, the petitioner would seek her remedy in accordance with law before a court of competent jurisdiction.

As regards the payment of the maintenance amount to the petitioner, learned counsel for the opposite party no. 1 has no objection if a sum of Rs. 5,000/- is deducted from his salary every month and the same is remitted to the account of the petitioner.

In that view of the matter, this Court directs the Drawing and Disbursing Authority/employer of the opposite party no. 1 at Laheriasarai, Darbhanga to deduct a sum of Rs. 5,000/- every month from salary of the opposite party no.1 and remit it in the account of the petitioner.

The petitioner as well as opposite party no. 1 shall file



the detail of the payments so far made and the outstanding, if any, till the month of June, 2022. If any amount remains outstanding, the opposite party no. 1 shall pay the same within four weeks from today.

Learned counsel for the petitioner submits that she would agitate this revision application for enhancement of the maintenance amount. To consider this issue, this Court directs the petitioner as well as the opposite party no. 1 to place on record the complete detail of their financial conditions, the income, the bank accounts and the other properties etc. on record, keeping in view the judgment of the Hon'ble Supreme Court in the case of **Rajnish versus Neha & Ors.** reported in **(2021) 2 SCC 324**. List this matter on 26th of July, 2022.”

Since sufficient time has been granted to both the parties to place on record their financial conditions etc. but they have not done so, this Court deems it just and proper to dispose of this application with liberty to the petitioner to seek her remedy, if so advised, towards enhancement of the maintenance allowance in the changed circumstances before the competent court in accordance with law.

This application stands 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'.

