

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.70 of 2021**

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

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Rajneesh Kumar Mishra @ Rajneesh Mishra Son Of Swatantra Mishra  
Resident Of Village- Ashapur, Lachhmanpur, P.O-Bahera, P.S-Bahera,  
District- Darbhanga

... .. Petitioner

Versus

1. The State of Bihar
  2. Moni Mishra, wife of Rajneesh Mishra and daughter of Bulanand Jha.
  3. Kriti Kumari, minor daughter of Rajneesh Mishra under the guardianship of her mother, Moni Mishra
- Both No. 2 and 3 are residing at Chhitraur Kothi, Matihani Road, P.S- Town Begusarai, District- Begusarai.

... .. Respondents

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      28-07-2022

**I.A. No. 01 of 2022**

This application has been filed for condonation of delay of about 253 days in filing the present application. In this case the impugned order is dated 18.12.2019. Certified copy of the same was obtained on 09.01.2020.

Learned counsel submits that limitation was expired on 08.04.2020 i.e. during the period when the pandemic Covid-19 had already started and the courts were closed.

Considering the grounds mentioned hereinabove, the delay is condoned. Interlocutory application 01 of 2022 stands allowed.



Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of the judgment dated 18.12.2019 passed in Maintenance Case No. 35/2010 by which learned court has directed the petitioner to pay a sum of Rs. 5,000/- to his wife (opposite party no. 2) and a sum of Rs. 2,000/- to his minor daughter (opposite party no. 3) with effect from the date of filing of the application. The Court has also ordered that any amount which is being paid by the petitioner to his wife and the minor daughter shall be adjusted against the payable amount to his wife and daughter.

Learned counsel for the petitioner has assailed the judgment of the learned Family Court on the ground that presently the petitioner is engaged as a teacher in a private school and he is not having as much income as to pay a sum of Rs. 7,000/- to his wife and minor daughter. Learned counsel submits that the petitioner earns a sum of Rs. 5,000– 6,000/- only per month and is already paying a sum of Rs. 3,000/- to his wife by virtue of the order passed by this Court in Cr. Misc. No. 1637/2015.

It is further submitted that the petitioner is ready to



keep his minor daughter and meet all her expenses. He has filed a petition for divorce against opposite party no. 2.

On the other hand, learned counsel for the opposite party nos. 2 & 3 submits that the petitioner comes from a good family background. He is himself earning at least a sum of Rs. 15,000/- per month from his teaching job, he was earlier serving at Delhi in a Company, therefore the amount of maintenance allowed to opposite party nos. 2 & 3 by the learned court below cannot be said to be an excessive one. The opposite party nos. 2 & 3 have no other source of income. The parents of opposite party no. 2 have already died and there is no one else in her family to look after her. In such circumstances, it is submitted that living a life with a sum of Rs. 7000/- per month is very difficult that too when the daughter needs more and more expenses day by day.

Having regard to the submissions and the materials available on the record, this Court finds that the learned Principal Judge, Family Court, Begusarai has rightly appreciated the materials available on the record. The petitioner does not contend that the opposite parties have any other source of income. It is also not disclosed completely as to in which school he is teaching and has not brought on record his salary



slip which suggests that he is withholding his current income and is not coming fairly before the court.

This Court finds no reason to interfere with the impugned judgment. This application is, thus, dismissed.

Let the court below enforce the impugned order expeditiously.

**(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'.

