

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.972 of 2019

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

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Ramashankar Chauhan Son of Pahalad Chauhan Resident of Village -
Jhajhawa, P.S.- Daraunda, District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Saroj Devi Wife of Ramashankar Chauhan Daughter of Sheo Shankar Chauhan, Resident of Village - Khadsara (Nonia Tola), P.S.- Asaon, District - Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate
For the Opposite Party : Mr.Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-09-2022 The only grievance of the petitioner is that the learned court below has directed for payment of maintenance with effect from the date of appearance of the husband-opposite party. Learned counsel submits that the order should be made effective from the date of passing of the order.

Learned APP for the State submits that recently in the case of *Rajnesh Vs. Neha & Ors. reported in (2021) 2 SCC 324*, the Hon'ble Supreme Court has specifically answered this issue and it has been held that maintenance is to be allowed from the date of the application.

In that view of the matter, in fact, the impugned order directing the petitioner to pay maintenance from the date of



appearance is in his favour and is in the teeth of the judgment of the Hon'ble Supreme Court.

However, having gone through the judgment of the Hon'ble Supreme Court in the case of ***Rajnish*** (supra), learned counsel for the petitioner seeks permission to withdraw this application unconditionally.

Permission is granted.

This application is dismissed as withdrawn.

Learned Principal Judge, Family Court, Siwan shall proceed to execute the impugned judgment as expeditiously as possible and recover the entire arrears of maintenance as well as current maintenance.

(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'.

