

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1591 of 2019

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

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GULAM JEELANI Son of Abdul Wahid Resident of Village - Lalbagh, Ward No.20, P.S.- Town, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. MARIYAM KHATOON W/o Md. Gulam Jilani, D/o Late Md. Jubair Resident of Village - Lalbagh, P.S.- Town, Distt.- Darbhanga. At Present resident of Village - Chhachua, P.S.- Bisfi, Distt.- Madhubani.
2. Md. Atif Raza Son of Md. Gulam Jilani, Under Guardianship of His Mohther Resident of Village - Lalbagh, P.S.- Town, Distt.- Darbhanga. At Present resident of Village - Chhachua, P.S.- Bisfi, Distt.- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Fazal Rahman, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 13-10-2022 Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the correct name of the opposite party no. 2 is 'Asif Raza', but in the impugned order it recorded as Md. Atif Raza.

Learned counsel has produced a Bank Draft of the Punjab National Bank, Darbhanga bearing No. 111523 dated 12.10.2022 for a sum of Rs. 18,000/- in favour of 'Asif Raza'. He submitted that the petitioner shall pay the balance amount to the minor son. He is also contesting a case of guardianship which is Annexure '3' to the present application, pending in the court of learned Principal Judge, Family Court, Darbhanga.



Be that as it may, at this stage, learned counsel for the petitioner submits that because he has agreed to pay the maintenance amount to the minor son, he would seek withdrawal of this revision application with liberty to pursue his application for guardianship of the minor child. Learned counsel prays for a direction to the learned Principal Judge, Family Court, Darbhanga to consider and dispose of the said guardianship case within a reasonable period.

Considering that the opposite party no. 1 has already died and the petitioner is ready to pay the maintenance amount to opposite party no. 2, this application is permitted to be withdrawn and is being disposed of accordingly.

Learned counsel submits that since no case is pending in the court of learned Principal Judge, Family Court, Madhubani, the amount of maintenance could not be deposited earlier in the court.

This Court directs that the learned Principal Judge, Family Court, Madhubani shall register a miscellaneous case/execution case, as the case may be, for execution of the order dated 14.08.2019 and the bank draft of Rs. 18,000/-, as mentioned above, is being returned to learned counsel for the petitioner to ensure that the same is submitted before the learned



Principal Judge, Family Court at Madhubani for handing over the same to the opposite party no. 2 who is presently living with his maternal grand mother. The learned Principal Judge shall on proper verification hand over the draft to opposite party no. 2 through his guardian at present. He will ensure that no undue hassle is created in the matter of handing over the draft and shall further carry on the execution case in accordance with law.

As regards the pending guardianship case in the court of learned Principal Judge, Family Court, Darbhanga, this Court directs the learned Principal Judge, Family Court, Darbhanga to expedite the hearing of the guardianship case and take all appropriate steps to ensure a decision on that within a period of six months from the date of communication of this order.

Let this order be communicated to the learned Principal Judge, Family Court, Madhubani as well as learned Principal Judge, Family Court, Darbhanga.

This application stands disposed of, 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'.

