

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.185 of 2019

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

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ANIL KUMAR MANDAL Son of Shyama Mandal Resident of Village -
Thapkol, P.O.-Ragheli

... .. Petitioner/s

Versus

1. The State of Bihar
2. Padma Devi D/O- Baijnath Mandal Wife of Anil Kumar Mandal, Resident of
Village - Madhepura, P.O.-Katihar, P.S. Katihar Muffasil
3. Raj Kumar Son of Anil Kumar Mandal At present he is residing with his
mother and resident of Village - Madhepura, P.S.- Katihar Muffasil

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh
For the Respondent/s : Mr. Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 13-12-2023 Heard the learned counsel for the petitioner and
the learned Advocate for the Opposite Parties.

2. The instant Criminal Revision is directed
against *ex-parte* order dated 30th of November, 2017 in
Maintenance Case No. 293 of 2015, passed by the Principal
Judge, Family Court, Katihar, directing the petitioner /
husband to pay maintenance to the Opposite Party No. 2 at
the rate of Rs. 5,000/- per month and to the Opposite Party
No. 3 being son of the parties at the rate of Rs. 3,000/- per
month, total being 8,000/- per month.

3. The petitioner is aggrieved against the



impugned order on the ground that the impugned order was passed without serving notice to the petitioner. The petitioner has been residing in Gujarat and notice of the proceeding under Section 125 of the Cr.P.C. was published in local newspaper over which he had no access.

4. It is alleged by the petitioner that their son has attained majority and he is not entitled to get any maintenance from the petitioner.

5. I have heard learned Advocate for the petitioner.

6. If an *ex-parte* order is passed without serving notice to the Opposite Party / Respondent, the relief of the Respondent lies in filing an application for vacating the *ex-parte* order. The Revisional Court can not consider as to whether notice of the proceeding under Section 125 of the Cr.P.C. was served or not. In view of such circumstances, the issue as alleged by the petitioner does not seem to be revisable.

7. On the second limb of contention made on behalf of the petitioner, this Court is of the view that Section 127 of the Cr.P.C. makes clear provision for alteration of maintenance allowance in view of attainment



of majority by the son of the parties, Opposite Party No. 2
herein.

8. The said contention can also not be taken into
consideration by the Revisional Court.

9. In view of such circumstances, I do not find any
merit in the instant revision.

Accordingly, the revision stands dismissed on
contest.

(Bibek Chaudhuri, J)

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