

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.317 of 2021**

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

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Panchhi Lal Son Of Late Ram Sewak Prasad Resident Of Village - Anwarpur,  
P.S.- Anwarpur, Distt.- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vibhakar Kumar, Adv.

For the Respondent/s : Mr. A.G

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 18-04-2023**

Heard learned counsel for the petitioner and learned  
counsel for the State.

Counsel for the petitioner has filed the present Cr.  
Revision application against the order dated 16.05.2019, passed  
by the learned Principal Judge, Vaishali (Hajipur) in  
Maintenance Case No. 185 of 2017 by which he was recorded to  
pay Rs. 4,000/- per month to the O.P. No. 2, by way of  
maintenance. Counsel for the petitioner submits that the present  
order for maintenance has been fixed ex-parte and no  
opportunity was given to the petitioner to defend, therefore, the  
order should be set-aside. He further submits that petitioner is  
very old and he is suffering from several diseases, therefore, a  
sympathetic view should be taken. He also submits that

petitioner is also now a retired person.

Counsel for the State submits that from the records it transpires that the petitioner was in service of inspector and he was entitled to pay the amount of maintenance Rs. 4,000/- per month from the date of filing this case i.e. 25.09.2017.

Counsel for the State submits that till date, the dues of Rs. 2,68,000/- is against the petitioner, which he has not paid to his wife.

From the impugned order, it transpires that the O.P. did not turn even after publication of notice made in the daily newspaper for his appearance and thereafter, this case was fixed ex-parte. It appears to this Court that ex-parte order has been passed only after service of valid notice, particularly in the newspaper.

Upon specific call that whether there is any question of legality, propriety or correctness involved in this case, counsel for the petitioner submits that question of illness has to be considered.

Admittedly, this petitioner was an inspector and a well educated person. He is well aware of every pros and cons of this case and even after order passed by the Principal Judge, Family Court to pay Rs. 4,000/- per month to his wife, he has not paid

even a single penny to her and Rs. 2,68,000/- are still due.

In this view of the matter, this Court is not inclined to interfere in this case, therefore, this Cr. Revision application is hereby rejected.

Principal Judge, Family Court is directed to take all the steps for realization of the amount from the petitioner, either by issuing process under Form 18/19 of Schedule 2 of the Cr.P.C., 1973, or through issuance of demand from the authority, from where the petitioner gets his pension amount, or by both processes, within 60 days from the date of communication of this judgment.

**(Dr. Anshuman, J.)**

Ashishsingh/-

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