

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.123 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Shyam Nandan Thakur, Son of Late Rajendra Prasad Thakur, Resident of village- Ratmaniya, Police Station- Piyar in the district of Muzaffarpur.

... .. Petitioner/s

Versus

Poonam Thakur, Wife of Shyam Nandan Thakur, at present C/O Akhilesh Tiwari, Village- Sherpur, P.O. - M.I.C. Bela, P.S. - Muzaffarpur Sadar in the district of Muzaffarpur.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 03-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present application has been filed for setting aside judgment and order dated 22.07.2016 passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No. 82 of 2011 (Under section 125 Cr.P.C.), whereby and where under the petitioner has been directed to pay 1/6th of his pension amount to the opposite party per month. It was directed to make the payment in the bank account of the O.P. It was also directed to deposit arrears of interim maintenance, if any, within three months.

Counsel for the petitioner submits that it has been admitted that the petitioner has two wives but the second marriage was solemnized only and only under consent and force made by the first wife (O.P.). Counsel submits that petitioner is an old aged person and the amount fixed by the Court is exorbitant, as the petitioner has to look-after his entire family, where the O.P. is

residing alone.

Counsel for the petitioner further submits that notice may be issued to the O.P. and there is every likelihood that the matter shall be settled when both the parties shall before the Court.

The Revision Application under Section 19(4) of Family Court Act is entertainable only on the question of legality, propriety and correctness.

Here, in the present case, I found that none of the three legal elements are available and there is no scope of interference in the order/judgment passed by the Trial Court (Principal Judge, Family Court). So far as, issuing notices and calling the O.P. is concerned, the petitioner has every scope that he may meet with his wife (O.P.) in the Court of Principal Judge itself and may meditate or negotiate with her by meeting at the place where she is residing.

In this background, this Court feels no need of interfering in the order passed by learned Principal Judge, Family Court, Muzaffarpur, therefore, the present Cr. Revision Application is hereby dismissed.

(Dr. Anshuman, J.)

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