

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.950 of 2017

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

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Gautam Kumar Gupta @ Gautam Kumar Sen Gupta Son of Late Satya Gupta
@ Satya Gopal Sen Gupta, R/o Village- Supaul, P.S.- Biroul, District-
Darbhanga.

... .. Petitioner/s

Versus

Mithlesh Kumari W/o Gautam Kumar Gupta @ Gautam Kumar Sen Gupta,
D/o Maheshwar Chaupal, R/o Village P.O.- Kapchhahi, P.S.- Sonaki, O.P.-
Bahadurpur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-04-2023 Learned counsel for the petitioner present.

The present application has been filed against the order dated 08.02.2017 passed by Learned Principal Judge, Family Court, Darbhanga in connection with Maintenance Case No.212 of 2010 by which petitioner was directed to pay Rs.2,000/- per month to O.P. as maintenance from the date of passing of the order.

Counsel for petitioner submits that the petitioner is the second husband of O.P.. He submits that after solemnization of marriage with the petitioner, the O.P. received information that petitioner is the second husband of the O.P. who after decree started residing with her first husband. Counsel submits that if O.P. shall reside with petitioner, he is ready to pay the decretal amount.

Counsel for petitioner is not in a position to raise any question of legality, propriety and correctness and therefore, this

Court is not inclined to interfere in this order and this revision application is dismissed.

Counsel for petitioner submits that prior to maintenance order, he has filed a petition of nullity of marriage bearing Matrimonial Case No. 52 of 2014 which is still pending. It is directed to Principal Judge, Family Court, Darbhanga that this Matrimonial Case No.52 of 2014 be tagged with the present case and the amount of maintenance shall accrue and be paid in the treasury of the Court, till disposal of case for nullity of marriage.

The Principal Judge, Family Court, Darbhanga is also directed to ascertain that whether the petitioner is paying the amount to the O.P. or not. If he is not paying the amount, then in that case, Court is directed to do needful in the light of **Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors.** reported in **2023(1) PLJR 756**, the amount be realised from him and pay to the O.P..

With this observation, this criminal revision application is hereby dismissed.

(Dr. Anshuman, J.)

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