

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.861 of 2017

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

=====

Sagir Hussain Ansari @ Md. Sagir Ansari @ Guddu Son Of Hazzat Ansari,
Resident Of Village- Dostiya, P.S.- Kundwachnipur And District- East
Champaran.

... .. Petitioner/S

Versus

Khursheeda Khatoon Daughter Of Md. Zakaullah Ansari, Resident Of
Village- Jhitkahi, P.S.- Dhaka And District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Md. Abu Haidar, Adv.
	:	Mr. Md. Abu Shajar, Adv.
	:	Mr. Asad Zahidi, Adv.
	:	Mr. Md. Atif Ahmad, Adv.
For the Respondent/s	:	Mr.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 27-04-2023 The present Cr. Revision is barred by limitation and

limitation petition has been filed. There is a delay of 14 days in

filing this Cr. Revision.

On the ground mentioned above, the said Limitation
Petition bearing I.A. No. 2007 of 2017, is hereby allowed.

Counsel for the petitioner submits that the present Cr.
Revision application has been filed for setting aside order dated
03.05.2017, passed by Principal Judge, Family Court, East
Champaran at Motihari in Maintenance Case No. 216 of 2013,
by which the petitioner was directed to pay a maintenance of Rs.
4,000/- per month from May, 2017 to the wife and her minor
daughter, in addition to that he was also directed to pay a sum of
Rs. 2,000/- as ad-interim maintenance from the date of the filing
of the petition i.e. 04.08.2013 to 30.04.2017 and has also been

directed to pay a lump-sum amount of Rs. 5,000/- to the Opposite Party(wife) towards the cost of litigation.

Counsel for the petitioner submits that the question of legality, propriety or correctness is not there but the ascertainment of the Court that earning of the petitioner is Rs. 25,000/- per month, as he works as a tailor at Delhi is not correct. Counsel further submits that the petitioner is a labour and he is earning between Rs. 3,000-4,000/- per month and he has performed second marriage at Delhi, from which he has two female children.

It transpires to this Court that petitioner has appeared before the Principal Judge, Family Court, filed his written statement, as well as, adduced his evidence. In the evidence, he has admitted that he is residing at Delhi with his second wife, having two female children. He also accepts that he is working as a labour in a factory and he earns Rs. 3,000-4,000/- per month only. The husband also admits that the respondent is his wife.

It also transpires to this Court that upon discussion of the entire evidence, the Court reached at the conclusion that the petitioner is a tailor master, having a shop at Delhi and he used to work of *Silai-Kadai*. It has also come that he also has a

factory of *Kasidakari* on clothes and he is earning Rs. 25,000/- per month. It has come that petitioner husband has stated that he is a labour and he earns Rs. 40,000/- per month.

From the records it transpires that total interim amount is Rs. 88,000/- and total maintenance amount is Rs. 2,88,000/- i.e. Rs. 2,000/- per month and Rs. 4,000/- per month as interim maintenance and maintenance amount respectively. Total amount is Rs. 3,76,000/- and Rs. 5,000/- litigation cost, which in totality comes to Rs. 3,81,000/- for which the O.P. (Wife) is entitled for.

On the said figure, counsel for the petitioner submits that he is not aware, whether, the said amount has been paid or not.

Since counsel is not in a position to raise question of legality, propriety or correctness, therefore, this Court shall not interfere with the findings of the Trial Court, hence, the present Cr. Revision is hereby rejected.

Principal Judge, Family Court is directed to the needful, so that if the respondent has not received the amount that is in total Rs. 3,81,000/-, calculated as on date then he shall proceed for realization of the said amount in the light of **Sarfaraj Alam @Md. Sarfaraj Vs. State of Bihar & Ors.**

reported in **2023(1) PLJR 756.**

Accordingly, the present Cr. Revision Application
stands dismissed.

(Dr. Anshuman, J.)

Ashishsingh/-

U		T	
---	--	---	--