

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.542 of 2018

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

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UPENDRA BAHARDAR @ UPENDRARA BAHARDAR S/o Harilal
Bahardur, R/o Vill.- Jagir Pipra, P.S.- Bardaha City, District- Araria.

... .. Petitioner/s

Versus

1. Ranjo Devi, W/o Upendra Bahadur D/o Late Lakhichand Bahardur, At Vill.- Tarawari, P.S.- Tarwari, P.S.- Tarwari, District- Araria.
2. Pratima Kumari D/o Upendra Bahardur, aged about 3 Yrs, Minor Daughter Opp. No.1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 13-12-2023 Heard learned Advocate for the petitioner and the

learned Advocate for the Opposite Parties.

2. Being aggrieved against an order dated 7th of February, 2018, passed by the learned Principal Judge, Family Court, Araria in Maintenance Case No. 357 of 2016 *ex-parte*, the petitioner / husband has filed the instant Criminal Revision.

3. It is contended on behalf of the petitioner that the petitioner could not file his written statement / written objection before the Trial Court within the stipulated period of time and, therefore, the Trial Court fixed the hearing of



the above-mentioned case *ex-parte* and the same was disposed of by the impugned order dated 7th of February, 2018, directing the petitioner to pay monthly maintenance allowance at the rate of Rs. 5,000/- to the Opposite Party No. 1 and Rs. 2,000/- to Opposite Party No. 2, who happens to be the child born in the wedlock of the petitioner and the Opposite Party No. 1.

4. The petitioner wants to offer him a chance to contest the aforesaid Miscellaneous Case because of the fact that the Trial Court without considering his income passed the order and it is not, at all, possible for him to pay Rs. 7,000/- per month to the Opposite Party No. 1 and their son for their maintenance.

5. Considering such aspect of the matter and with a view to enabling the petitioner / husband to contest the aforesaid Maintenance Case, I am inclined to allow the instant revision.

6. Accordingly, the instant revision is allowed.

7. The order passed in Miscellaneous Case No. 357 of 2016 is set aside on condition that the petitioner shall, without prejudice to the rights and contentions of both



the parties, go on paying a sum of Rs. 4,000/- per month to the Opposite Party No. 1 for her maintenance as well as maintenance of their child within 10th of each succeeding month.

8. The petitioner is directed to appear before the Trial Court within 15th of January, 2024 and file his written statement / written objection within one week thereafter. The learned Principal Judge, Family Court, Araria shall take all endeavour to disposed of Maintenance Case No. 357 of 2016 in contesting manner within a period of six months thereafter. Failure on the part of the petitioner to pay maintenance amount, as fixed by this Court, shall render the Maintenance Case dismissed without further reference to this Bench.

With the aforesaid observations / directions, this revision application stands disposed of.

(Bibek Chaudhuri, J)

skm/-

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