

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.802 of 2017**

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

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Kalyani Devi and Ors

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sri Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-04-2023

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The present criminal revision application has been
filed for setting aside the order dated 29.05.2017 passed by the
Principal Judge, Family Court, Bhagalpur in Misc. Case No.11
of 2017 by the petitioners under Section 125 of Cr.P.C. was
rejected in which direction was sought to make payment of
maintenance to the petitioner no.2 to 4.

Counsel for petitioners submits that in the order
sheet under challenge, reference of a Cr. Misc. No.5688 of 2014
in which order date 23.04.2015 was passed on the basis of
which full and final settlement has taken place and decree of
divorce under Section 13(B) of Hindu Marriage Act 1955

passed on 04.02.2016. The said settlement was made by virtue of payment of Rs.9,00,000/- in the order sheet. It has been acknowledged that all the 3 daughters in which one is major and two are minors, shall live with the mother.

Counsel for the petitioners submits that Principal Judge, Family Court, Bhagalpur has granted the decree of divorce on this condition that all three daughters shall be entitled for their title and interest shall not be affected by virtue of the said compromise. Counsel submits that the word title and interest covers maintenance also.

Counsel for petitioners submits that as per his information, all 3 daughters are unmarried and it is extremely difficult to maintain all the 3 daughters in just petty amount of Rs.9,00,000/-. Therefore, this case was filed under Misc. Case No.11 of 2017 under Section 125 of Cr.P.C. on behalf of 3 daughters (petitioners no.2 to 4) which was rejected by the Court stating that the said opposite party has entered into marriage with another woman.

Counsel for State submits that from the compromise, it transpires that the said compromise was made on the point of full and final settlement and in the order sheet, it has come about the daughters meaning thereby it is well within the

mind of the parties at the time of settlement as well as at the time of taking divorce that this amount is full and final for all because the daughters were minor and it is the mother who used to take care for her daughters.

After going through the pleadings and hearing and arguments from both sides, it transpires to this Court that the Principal Judge, Family Court meticulously written in the order sheet that payment of said amount Rs.9,00,000/- shall not adversely affect the title and interest of the daughters of the petitioner no.1 and O.P.. This Court is of the view that the word title and interest used by the Court shall not mean maintenance rather it means the title and interest in the properties of their father because amendment has come in Hindu Marriage Act and it had developed the daughters as coparcener and in that light, this observation has been made.

In this view of the matter, this Court find no merit in this case and therefore, this Cr. Revision Application is hereby **dismissed**.

This Court is hereby re-affirming the statement of the Principal Judge, Family Court, Bhagalpur that payment of

Rs.9,00,000/- by the O.P. to his wife and his minor children shall not affect the title and interest of those minors in any manner as the daughters became the coparcener and the status of the daughters is now as like that of sons in the eyes of law.

(Dr. Anshuman, J.)

prakashmani/-

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CAV DATE	
Uploading Date	
Transmission Date	