

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28817 of 2016

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

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Md. Shaiyad Alam @ Md. Sayad Alam Son Of Md. Gyasuddin, Resident Of
Mohalla - Gandhi Path, Ward No. 8, P.S. + District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
 2. Bibi Gulnaj Begum D/o Md. Nasiruddin
 3. Saba Pravin Minor D/o Md. Shaiyad Alam
 4. Munna (Minor) S/o Shaiyad Alam
- No. 2 to 4 are residents of village - Sitanabad, P.S. - Bakhtiarpur, District - Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 09-10-2023 The present petition under Section 482 of the Cr.P.C.

has been preferred by the petitioner against the impugned order dated 11.02.2016 passed by Ld. Principal Judge, Family Court, Saharsa in connection with Misc. Case No. 126 of 2010 which was filed by the wife against the petitioner for maintenance at the rate of Rs.15,000/- per month.

2. During pendency of the miscellaneous case filed for maintenance, Ld. Principal Judge, Family Court vide impugned order, has directed the petitioner (husband) to pay interim maintenance at the rate of Rs.1500/- per month to the wife.

3. As such, I find no illegality or infirmity in the impugned order dated 11.02.2016.

4. However, Ld. counsel for the petitioner submits that the wife-respondent has already re-married with someone else and she is not entitled to such maintenance.

5. However, such submission is not relevant for the impugned order. The petitioner has liberty to file an appropriate application before the Ld. Principal Judge, Family Court, Saharsa to set aside the impugned order dated 11.02.2016 on the ground of change of circumstances that wife has re-married. Only after passing any order by the Ld. Principal Judge, Family Court on such application of the petitioner, the petitioner can move before this Court, if advised.

6. Hence, there is no illegality or infirmity in the impugned order dated 11.02.2016 passed by the Principal Judge, Family Court, Saharsa in Misc. Case No. 126 of 2010.

7. The present petition being devoid of any merit is accordingly dismissed *in limine*.

8. However, the petitioner has liberty to move appropriate application before Ld. Family Court if he so advised.

(Jitendra Kumar, J.)

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