

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.595 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- East Champaran

Md Sikandar Azam @ Md Shikandar @ Babloo, S/O Md. Ghulam Kibriya,
R/O- Ward No. 16, Ataullahpur, Lalganj, Dist. Vaishali

... .. Petitioner

Versus

1. The State of Bihar.
2. Sitara Khatoon W/O Md. Shikandar, D/O Md. Rustam R/O Mohalla-
Bhawanipur Zirat, Motihari, Ward No. 21, P.S. Chhatauni, Dist. East
Champaran
3. Darasata Khatoon D/O Md. Shikandar under the care and guardianship of
her Mother R/O Mohalla- Bhawanipur Zirat, Motihari, Ward No. 21, P.S.
Chhatauni, Dist. East Champaran
4. Abu Talha S/O Md. Shikandar under the care and guardianship of his
Mother R/O Mohalla- Bhawanipur Zirat, Motihari, Ward No. 21, P.S.
Chhatauni, Dist. East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Md. Najaurul Hodda, Advocate
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 10-11-2023 Heard learned counsel for the petitioner and learned

APP for the State in the limitation as well as in admission

matter.

2. This revision application has been preferred for
setting aside the order dated 28.05.2022 passed by learned
Principal Judge, Family Court, East Champaran, Motihari in
Maintenance Case No. 102 of 2019. By the impugned order, the
learned court has been pleased to allow a sum of Rs.6,000/- as
monthly maintenance to opposite party no. 2 and a sum of
Rs.1,000/- each to opposite party nos. 3 and 4. Opposite Party



No. 2 is the wife whereas opposite party nos. 3 and 4 are the children of the petitioner.

3. There is a delay of one year and four months in filing of the present criminal revision application. A bald statement has been made in the limitation petition that from much before the passing of the impugned order, the petitioner had been suffering from psychiatric problems and after passing of the impugned order, he came under depression whereafter he was brought to Ranchi for his treatment where he underwent his treatment for a long time.

4. As stated above, the statements made are only bald statements of the petitioner as not even a chit of paper has been enclosed with the affidavit to support the averments made in the application. Nothing has been disclosed about the period during which the petitioner may be said to be under treatment and no relevant information has been disclosed. This Court has, thus, reasons to believe that the statements made in the limitation petition are only an effort to somehow get the delay condoned.

5. Coming to the merit of the case, learned counsel for the petitioner admits that this petitioner is a Government Teacher and he is drawing a salary of about Rs.40,000/- per month. It is admitted that opposite party no. 2 is the legally



wedded wife of the petitioner and opposite party nos. 3 and 4 are the two children of the petitioner. In fact, in course of argument, having found it difficult to assail the impugned order, learned counsel submits that he would not challenge the impugned order on the quantum of maintenance, rather he would only pray for some time to allow him to pay the amount.

6. In the nature of the submissions made at the end of his argument by learned counsel for the petitioner, this Court is not dealing with the merit of the case.

7. This Court finds from the impugned order that the maintenance has been allowed from the date of filing of the application i.e. 16.03.2019, however, learned counsel for the petitioner admits that till date, not even a single farthing has been paid to the opposite parties. It is not his case that the petitioner is not drawing his monthly salary, therefore, this Court is of the opinion that by filing this revision application after one year and four months, the petitioner has only taken a further effort to somehow avoid payment of maintenance to his wife and children.

8. Taking note of this conduct of the petitioner, this Court is not inclined to grant any further time to the petitioner to pay the amount. The Court is rather of the opinion that by



compelling his wife and children to engage a lawyer in this Court to contest this matter, the petitioner has made himself liable to pay the cost of litigation as well. This Court assesses the cost of litigation at Rs.25,000/-. The petitioner would be liable to pay not only as per the order passed by the learned Principal Judge, Family Court but also the cost as assessed by this Court within a period of one month from today, failing which the learned Principal Judge, Family Court, East Champaran, Motihari shall proceed to execute the order as expeditiously as possible.

9. This application is disposed of in the aforesaid terms.

(Rajeev Ranjan Prasad, J)

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