

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.416 of 2017

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

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Supriyanka Kumari W/o Kamal Kumar Singh @ Kaushal Kumar Singh, D/o Dr. Ashok Kumar Singh, resident of Village- Mahdah, Police Station- Buxar, District- Buxar. At present resident of Mohalla- Ganga Pump Nahar Colony Vikashpuri, Police Station District- Buxar, parental Village- Sangam Tola, Police Station- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

Kamal Kumar Singh @ Kaushal Kumar Singh S/o Sri Harinath Singh, Resident of village- Mahdah, Police Station- Buxar, District- Buxar, At present resident of Mohalla- Ganga Pump Nahar Colony Vikashpuri, P.S. District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Adv.
For the O.P.	:	Mr. Bhaskar Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 26-04-2023

Learned counsel for the petitioner and learned counsel for the opposite party present.

The present criminal revision application has been filed against the judgment and order dated 18.02.2017 passed in Misc. (Maintenance) Case No. 166 of 2011 by the Court of Principal Judge, Family Court, Bhojpur at Ara.

Notices have been issued in this case and upon the notice by the Court, opposite party appeared.

Counsel for the opposite party submits that by virtue of paragraph 13 of the order, it transpires that the interim maintenance amount Rs.3,500/- per month and litigation cost

Rs.500/- were regularly being paid.

Counsel further submits that opposite party is still ready to pay Rs.5,000/- per month and he has no grievance in paying Rs.5,000/- per month. On the other hand, counsel for the petitioner submits that the order passed under Section 125 of Cr.P.C. that Rs.5,000/- per month has not been paid to the petitioner as directed in the order impugned.

Upon specific query from the counsel for the petitioner that what is the reason that the petitioner wants to set aside the order which is in her favour, counsel submits that it is a mistake on the part of the lawyer that instead of request for enhancement of the payment of maintenance, he has demanded prayer for setting aside the maintenance amount. In the light of the contention made by the parties, particularly, when counsel for the opposite party submits that he has no objection in payment of Rs.5,000/- per month.

This Court has calculated the total arrear of payment in case regular maintenance amount per month has not been paid then it comes to the tune of Rs.3,10,000/- till date. In the light of the submissions made by the parties, particularly, of the opposite party that he is ready to pay Rs.5,000/- per month to the petitioner as maintenance amount.

This case is disposed off as by virtue of submissions of the parties, there is no need of interference in this case. The Principal Judge, Family Court, Bhojpur at Ara is directed to realize the said amount of arrear, if not paid by the opposite party to the petitioner by virtue of the case decided in *Sarfaraj Alam @ Md. Sarfaraj Vs. State of Bihar & Ors. reported in 2023(1) PLJR 756.*

With this direction, the present criminal revision application disposed off.

(Dr. Anshuman, J.)

sadique/-

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CAV DATE	
Uploading Date	
Transmission Date	