

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.876 of 2022

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

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ARUN KUMAR SINGH Son of late Ram Kishore Singh R/V- Chandauli,
P.S- Belsand, Dist- Sitamarhi

... .. Petitioner/s

Versus

Meena Devi @ Meena Sinha Wife of Arun Kumar Singh R/V- Kuamma, P.S-
Piprahi, Dist- Sheohar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Adv
For the Respondent/s	:	Mr. Madhubala Verma, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 14-09-2023 Heard the parties.

2. An Interlocutory Application No. 01/2023 has been filed stating therein that during pendency of this revision application, by order dated 12.06.2023, the learned Principal Judge, Family Court, Sheohar has issued a direction to the Vice Chancellor, Darbhanga University to attach the pension account of the petitioner and to give a direction to the Branch Manager, Central Bank of India to stop withdrawal of money from account of the petitioner.

3. Learned counsel for the petitioner submits that without considering the petition filed by the petitioner under Section 127 CrPC, the learned court has issued the direction on 12.06.2023 for attachment of pension account of the petitioner



restraining the bank to allow withdrawal of money from the account of the petitioner till the compliance of the order of maintenance passed in Maintenance Case No. 26/2013.

4. Learned counsel further submits that subsequent to the Interlocutory application, a further order has been passed by the learned Family Court in Misc. Case initiated by it for implementation of the order of maintenance on 22.08.2023 which has been brought on record by way of supplementary affidavit in which the learned Principal Judge, Family Court has directed the V.C. Lalit Narayan Mithila University to deduct a sum of Rs. 26,500/- i.e., (16,500+10,000) for a period of two years and after two years a sum of Rs. 10,000/- was required to be deducted and deposited in the account of OP/Respondent per month.

5. Learned counsel submits that the petitioner is ready to obey the order dated 22.08.2023 and he is not aggrieved by the same. However, during pendency of this writ application, on the intervention of this Court, a sum of Rs. 50,000/- has been paid to the Respondent by way of bank draft towards arrears of maintenance. The petitioner is ready to pay the arrears of maintenance as well as current maintenance as fixed by order dated 22.08.2023.



6. Learned counsel next submits that the application under Section 127 CrPC for modification of the maintenance order in view of retirement of petitioner is not being considered by the Family Court which is pending since 14.06.2022. He also submits that since the bank account of the petitioner has been attached, the maintenance amount is not being paid to the Opposite Party/Respondent.

7. Learned counsel for the OP/Respondent submits that if the petitioner is ready to obey the order dated 22.08.2023 wherein the Vice Chancellor has been directed to deduct the amount fixed by the the Principal Judge, Family Court and deposit the same in the bank account of the respondent, the present application may be disposed in the aforesaid terms.

8. Taking into consideration the rival submissions made by the parties and the fact that the petitioner is ready to abide by the order dated 22.08.2023, the attachment of the pension account of the petitioner by order dated 12.06.2023 is modified to the extent that upon advice being given by the Vice Chancellor, Lalit Narayan Mitihila University, Darbhanga to the bank, the bank shall transfer a sum of Rs. 26,500/- every month in the bank account of OP/Respondent till the period of two years and thereafter a sum of Rs. 10,000/- shall be transferred in



the account of respondent every month, details of which, has already been provided to the bank. After transfer of the aforesaid amount to the OP/Respondent as per order dated 22.08.2023, the petitioner can be allowed to operate the account for his own purpose i.e., only after payment of maintenance and arrears as per order dated 22.08.2023 is complied with every month.

9. In view of the aforesaid, the order dated 13.10.2022 is directed to be kept in abeyance till disposal of the petition filed by the petitioner under Section 127 CrPC. The learned Family Court, Sheohar is directed to dispose the petition under Section 127 CrPC within a period of three months.

(Anil Kumar Sinha, J)

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