

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 54 of 2024

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

Sonu Kumar Son of Masudan Pandit Resident of Village-Danara, P.S.-
Vikram, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari W/o Sonu Kumar and D/o Anant Lal Pandit Resident of
Village-Dharmdiha, P.O.-Dharmdiha, P.S.-Barahat, District-Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sudhir Kumar Mishra, Advocate
For the Respondent/s : Mr Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 18-07-2024

Heard on admission.

2 This revision petition has been preferred by the petitioner, husband of Opposite Party No 2 being aggrieved with the order dated 19.10.2023 passed by the learned Principal Judge, Family Court, Banka in Miscellaneous Case No 43 of 2019 whereby the learned Principal Judge, Family Court allowed the application filed by Opposite Party No 2 for maintenance and directed the petitioner to pay monthly maintenance amount of Rs 11,250/- to Opposite Party No 2 from March, 2019, i e, on the date of submission of application under Section 125 of Criminal Procedure Code.



3 Learned counsel for the petitioner (husband) submits that without giving any opportunity of hearing to the petitioner, the learned Principal Judge, Family Court passed the ex parte order. Therefore, on this ground alone, the impugned order is liable to be set aside. Perusal of paragraph 2 of the impugned order clearly shows that after service of summons, the petitioner (husband) was not present and the proceeding was posted ex parte against him. However, the petitioner appeared before the learned Principal Judge, Family Court with fresh *vakalatnama* and time was sought by him for filing his show cause. Thereafter, he remained absent. He also did not file any petition for recalling the ex parte order. Thus, it is clear that reasonable opportunity has been given by the learned Principal Judge, Family Court to the petitioner herein. In spite of that, he chose not to present himself before the learned Principal Judge, Family Court and contest the miscellaneous case.

4 Thus, the contention raised by the learned counsel for the petitioner that without giving any reasonable opportunity of hearing, the learned Principal Judge, Family Court passed the impugned order, is not sustainable.

5 Perusal of the impugned order further shows that on the basis of unrebutted statement of Opposite Party No 2 and her witnesses, the learned Principal Judge, Family Court arrived at the



conclusion that petitioner is working as BMP – 4 at Buxar and drawing a monthly salary of Rs 40 to 50 thousand and, accordingly, granted the monthly maintenance of Rs 11,250/- to Opposite Party No 2, the wife. The above finding of the learned Principal Judge, Family Court is also based on the evidence and materials available on record which is not perverse and contrary to the record.

6 Thus, the amount of maintenance, as ordered by the Principal Judge, Family Court appears to be just and proper.

7 Resultantly, I do not find any merit in this revision petition. The same is dismissed at the admission stage itself.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
Transmission Date	19.07.2024

