

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1189 of 2017**

Vijay Kumar Sinha Son of Late Rameshwar Prasad Sinha, Resident of Village-49, Nehrunagar, P.S. Patliputra, District-Patna. Petitioner/s

Versus

Anamika Daughter of Sri Avinash Prasad, Resident of House No. 36, Road No. 10, Indrapuri, P.S. Rajiv Nagar, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sarveshwar Tiwary, Advocate

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 11-03-2024

The present petition has been filed under Article 227 of the Constitution of India for issuance of appropriate directions to the learned Additional Principal Judge, Family Court, Patna to dispose of Cr. Misc. Case No. 3 of 2013 arising out of Maintenance Case No. 111(M)/2009 expeditiously.

2. Learned counsel for the petitioner submits that the petitioner had filed application under Section 13 for dissolution of marriage bearing Matrimonial Divorce Case No. 256 of 2009 against the respondent on 21.04.2009. In the said case, the respondent appeared and filed an application under section 24 of the Hindu Marriage Act for interim maintenance and the same was allowed on 08.09.2011 with direction to the petitioner to make payment of Rs. 6000/- to the respondents. The said order was challenged by both the parties before this Court.



However, this Court affirmed the order of the learned Subordinate Court and directed for payment of interim maintenance to the tune of Rs. 6000/- per month to the respondent. During pendency of the said divorce case respondent had filed an application for maintenance under Section 125 Cr.P.C bearing Maintenance Case No. 111(M)/09 which was decided by the learned Additional Principal Judge, Family Court, Patna by order dated 07.03.2013. After coming to know about the income of the respondent, the petitioner filed a petition bearing Cr. Misc. No. 3 of 2013 under Section 127 Cr.P.C before the learned Court below on 05.04.2013. The said Miscellaneous case was admitted by the learned Court below and after notice, respondent appeared and filed her show cause on 09.01.2017.

3. Learned counsel for the petitioner submits that due to non-adjudication of the petition filed under Section 127 Cr.P.C, the petitioner have been made to suffer a lot since the matter has been pending for quite long time and the petitioner has retired from service and has been getting a meager pension. The petitioner is paying maintenance to the respondent under duress. The son of the respondent has also got a job in a multi national company. Still they are harassing the petitioner. The learned



Court below has not taken consideration of this facts and instead of deciding the Cr. Misc. Case No. 3 of 2013, it has directed the petitioner to pay remaining amount to the respondent. Learned counsel further submits that the petitioner has approached this Court only for expeditious disposal of Maintenance Case No. 3 of 2013 pending in the Court of learned Principal Judge, Family Court, Patna.

4. Since the relief sought for by the petitioner is limited to the issuance of directions to the learned subordinate Court for expeditious disposal of the case, pending before it, this Court is inclined to consider the prayer and intends to dispose of the present petition by issuing necessary directions to the learned Court below for expeditious disposal of the case before it.

5. As Cr. Miscellaneous Case No. 3 of 2013 under Section 127 Cr.PC has been filed way back in the year 2013, seeking modification of the order granting maintenance, the learned Subordinate Court was supposed to dispose of the same expeditiously on merits and hence the learned Principal Judge, Family Court, Patna is directed to dispose of the Maintenance Case No. 3 of 2013 within a period of three months from the date of receipt/production of a copy of this order.

6. With the aforesaid direction, the present miscellaneous



petition stands disposed of.

(Arun Kumar Jha, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

