

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.154 of 2024

1. Rinki Devi @ Rinki Mishra ,Wife of Raju Kumar Mishra, D/o Ram Naresh Upadhyay Resident of Village-Indrath, P.O.-Kastar, P.S.-Bikramganj, District-Rohtas. At Present Resident of Village-Mangraon, P.S.-Kachhwa, Distirct-Rohtas.
2. Rishabh Raj, Son of Raju Mumar Mishra, Under Guardianship of his Mother i.e. Petitioner No.1 Resident of Village-Indrath, P.O.-Kastar, P.S.-Bikramganj, District-Rohtas. At Present Resident of Village-Mangraon, P.S.-Kachhwa, Distirct-Rohtas.

... .. Petitioner/s

Versus

Raju Kumar Mishra, Son of Kalendra Mishra, Resident of Village-Indrath, P.O.-Kastar, P.S.-Bikramganj, District-Rohtas. At Present -Battalion No. 15619370Y, C04 Guard and First Rajpur, C/o 56 APO

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-04-2024 Heard learned counsel for the petitioners on the point of admission and I intend to dispose of the present petition at the stage of admission itself.

02. The instant petition has been filed by the petitioners under Article 227 of the Constitution of India for issuance of direction to the court of learned Principal Judge, Family Court, Rohtas to take up the hearing of the case, namely, Misc. Case No. 123 of 2019 in right earnest and to dispose it of expeditiously.



03. Learned counsel appearing on behalf of the petitioners submits that the petitioners have come before this Court with simple prayer for expeditious disposal of the miscellaneous case pending before the court of learned Principal Judge, Family Court, Rohtas. Learned counsel further submits that the Maintenance Case No. 111 of 2016 was filed before the learned Principal Judge, Family Court, Rohtas which was allowed in favour of the petitioners and the respondent was directed to make payment of Rs. 15,000/- to petitioner no.1 and Rs. 5,000/- to the minor children but the said order has not been complied by the respondent. The order passed in Maintenance Case No. 111 of 2016 was challenged by the respondent in Cr. Revision No. 1054 of 2019 before this Court and the order of the learned trial court was affirmed and the criminal revision was disposed of. While disposing of the criminal revision, the Co-ordinate Bench of this Court directed the learned Principal Judge, Family Court, Rohtas, Sasaram to execute the impugned judgment as expeditiously as possible and it also observed that in case it is found that the petitioner was not paying any maintenance to his wife and minor son during all these periods despite being a judgment of the learned trial court, the petitioner was held liable to pay Rs. 25,000/- by way of cost for keeping



his wife and minor son engaged in litigation for over six years since the filing of the application under Section 125 Cr.P.C. As the aforesaid orders were never complied by the respondent, the petitioners filed Misc. Case no. 123 of 2019 for execution of the maintenance allowed in favour of the petitioners. However, the learned trial court has not been taking up the case filed by the petitioners in right earnest and much delay has been caused bringing the petitioners on verge of penury and destitution. Thus, the learned counsel submits that the learned trial court may be directed to hear the matter without giving unnecessary adjournments and dispose of the case as early as possible.

04. The right to speedy trial cannot be denied to the litigants, whether they are petitioners or respondents. Since it is a matter of 2016, that too, of maintenance, hence in the interest of litigants as well as a matter of public policy, it is very much needed that such cases are taken up and disposed of with promptitude. In the present petition, the only prayer of the petitioners is for expeditious disposal of the suit pending before the learned trial court, hence I do not think there is any need to issue notice to the other-side and the present matter could be disposed of straightaway.

05. Under the aforesaid facts and circumstances, the



learned trial court is directed to dispose of the Misc. Case No. 123 of 2019 within a period of three months from the date of receipt/production of a copy of this order.

06. Accordingly, the present petition stands disposed of with the aforesaid observation.

(Arun Kumar Jha, J)

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