

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.179 of 2023

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

NILAM DEVI WIFE OF AMIT KUMAR ROY, B/O LATE PANKAJ ROY
(YADAV), D/O SAKALDEO YADAV R/O VILLAGE- RANIPATRA, P.O.-
RANIPATRA, P.S.- MUFFASIL, RANIPATRA, DISTRICT- PURNEA

... .. Petitioner/s

Versus

1. AMIT ROY SON OF HARIHAR ROY R/O MOHALLA- KHUSKIBAGH,
PANKAJ MARKET INFRONT OF ADITYA HOTEL, P.O. AND P.S.-
SADAR, DISTRICT- PURNEA
2. HARIHAR ROY SON OF LATE DWARIKA YADAV R/O MOHALLA-
KHUSKIBAGH, PANKAJ MARKET INFRONT OF ADITYA HOTEL,
P.O. AND P.S.- SADAR, DISTRICT- PURNEA

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar,Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 06-09-2024

Re:-I.A. No. 02 of 2024

The Interlocutory Application has been filed for
condonation of delay in filing the revision application, which is
barred by 2 years 11 months and 16 days’.

2. For the reasons stated in the application, delay in
filing the revision application is condoned.

3. Accordingly, Interlocutory Application stands
allowed.

Cr. Rev. No. 179 of 2023

Heard.

2. Perused the impugned order as well as documents



annexed to the petition.

3. Vide impugned order dated 06.03.2020, the learned Family Court rejected the petition for grant of interim maintenance submitted by the petitioner-applicant.

4. Perusal of the impugned order clearly shows that after examining the five witnesses of the applicant-wife, the application for grant of interim maintenance has been submitted by the wife and after considering the statements of witnesses, the Family Court rightly arrived at the conclusion that petitioner is unable to establish the fact that she is legally wedded wife of the O.P. and on this ground only, the application for grant of interim maintenance has been rejected.

5. At the time of argument, it is submitted by the learned counsel that since father-in-law of the petitioner is also made a party and she also claims the interim maintenance from father-in-law, but this fact has not been considered by the Family Court vide deciding application for interim maintenance.

6. Along with this revision petition the petitioner neither placed on record the application submitted under section 125 Cr.P.C. nor application for grant of interim maintenance. Therefore at this stage, it cannot be said that she claimed interim maintenance from her father-in-law also.



7. Further considering the fact that till 06.03.2020 five witnesses of the applicant already examined by the Family Court and as stated by the learned counsel still the matter is pending before the concerned Family Court, it would be appropriate to dispose of the this revision petition directing the concerned Family Court to conclude the proceeding of concerned Maintenance Case i.e. Maintenance Case No. 60/2019 as early as possible, in accordance with law.

8. Accordingly, this petition is disposed of with directing to the concerned Family Court to conclude the proceeding and pass the final order as early as possible probably within a period of six months from today in accordance with relevant rules and law.

9. Accordingly, with the above directing thus this revision petition is disposed of.

(Arvind Singh Chandel , J)

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