

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.174 of 2023

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

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Mukesh Kumar Rajak Son Of Late Dev Baran Rajak Resident Of Village -
Kunda, P.S. - Aurangabad Muffasil, Distt. - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi Wife of Mukesh Kumar Rajak Resident of Village at present
Ranga Bigha, P.S. - Nabinagar, Distt. - Aurangabad (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent.

2. The present revision petition has been preferred by the petitioner/husband of the respondent no. 2 being aggrieved with the order dated 31.08.2021 passed by the Principal Judge, Family Court, Aurangabad in Matrimonial Case No. 212 of 2019, whereby the learned Family Court while allowing the application under Section 125 Cr. P.C. preferred by the respondent no. 2 directed the petitioner to pay monthly maintenance amount of Rs. 4000/- to respondent no. 2, Sunita Devi i.e. the wife of the petitioner as well as also directed to pay Rs. 4000/- to each for three minor children namely



Nandani, Niki and Khushi.

3. Learned counsel for the petitioner submits that without serving any legal notice, the Family Court passed the *ex-parte* order. Therefore, on this ground only, the impugned order is liable to be set aside. He further submits that as of now, two minor daughters namely Nandani and Khushi have attained majority. Therefore, they are not entitled to get any maintenance from the petitioner.

4. Perused, the impugned order and also gone through the documents annexed with the petition.

5. Bare perusal of paragraph no.3 of the impugned order clearly shows that in spite of duly service of notice, the petitioner himself has not appeared before the Family Court. Therefore, the argument made by the counsel that the petitioner has not been duly served is not acceptable.

6. There is no dispute on the point that respondent no. 2 is the legally wedded wife, who is residing separate from the petitioner along with her three children. The impugned order further shows that they are not able to maintain themselves and petitioner is not providing any maintenance to them in spite of his being able to provide them. The above findings recorded by the Family Court is based upon the



evidence available on record, which is not perverse and contrary to the record.

7. With regard to the quantum of the maintenance amount, undisputedly, the petitioner is a Constable and, as submitted by the counsel, at present he is getting about Rs. 50,000/- per month. Considering the above, the maintenance amount awarded by the learned Family Court also appears to be just and proper.

8. Resultantly, I do not find any merit in this revision petition. The present revision application is dismissed.

9. However, petitioner is advised to make an application under Section 127 of Cr. P.C. before the Family Court, if he desires, with regard to his minor daughters namely Nandani and Khushi, if they have already got married and attained the age of majority.

10. With the above observation, the revision application is dismissed.

(Arvind Singh Chandel , J)

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