

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 215 of 2023

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

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Lalan Kumar S/O Sri Raghunandan Hajari Resident of Village- Dehriya,
Ward No.- 07, P.S.- Chhatapur, District- Supaul at Present posted in Bihar
Police Dept. at Constable No.- 469 and presently posted in Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. A Resident of Village- Dehriya ward No.- 07, P.S.- Chhatapur, District-
Supaul and at Present Address, D/o Sri Sadanand Paswan, Resident of
Village- Laxmipur, Chandi Sthan, P.S.- Kumarkhand, District- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Shekhar Kumar Singh, Advocate
For the S t a t e : Mr Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 26-11-2024

This revision petition has been preferred by the petitioner being aggrieved with the order dated 30.11.2022 passed in Maintenance Case No 48 of 2017 by the learned Principal Judge, Family Court, Madhepura whereby and where under the learned Family Court allowed the application filed under Section 125 of the Cr P C by Opposite Party No 2 and directed the petitioner to pay a monthly maintenance of Rs 10,000/- to Opposite Party No 2 from the date of filing the application under Section 125 of the Cr P C, i e, from 14.06.2017.



2 Before the learned Family Court, Opposite Party No 2 filed an application under Section 125 of the Cr P C, inter alia, on the ground that there was love relation between the petitioner and her and due to that, both have solemnized their marriage with each other on 26.05.2013 in the Shiv Mandir according to Hindu customs and rituals. Subsequently, on 30.05.2013, both have also executed an affidavit in this regard before the Notary Public, Madhepura. It was further pleaded that after sometime of the marriage, the petitioner herein ousted Opposite Party No 2 from his house and since then she is living separately and is unable to maintain herself and the petitioner herein has sufficient means to maintain her but is not maintaining her.

3 In his written statement, it was pleaded by the petitioner that Opposite Party No 2 is not his legally wedded wife nor they resided at any point of time as husband and wife rather he already got married and from the wedlock, he has also children. Since Opposite Party No 2 is not the legally wedded wife of the petitioner, therefore, she is not entitled to get any maintenance from the petitioner herein.

4 The learned Family Court, after affording reasonable opportunity of hearing and adducing evidence, vide impugned order dated 30.11.2022, arrived on the conclusion that Opposite



Party No 2 is the legally wedded wife of the petitioner and allowed the application on these grounds.

5 Learned counsel for the petitioner would submit that there is no evidence available on record which shows that Opposite Party No 2 is the legally wedded wife of the petitioner. According to the counsel, the learned Court below, while passing the impugned order, did not consider the documents submitted by the petitioner and passed the order mechanically. Therefore, the impugned order is liable to be set aside.

6 Heard learned counsel for the petitioner, perused the impugned order as well as the entire records of the learned Family Court.

7 From perusal of the record, it transpires that though in his written statement, it was pleaded by the petitioner that Opposite Party No 2 is not his legally wedded wife but for establishing this fact, the petitioner did not examine himself as witness though he examined one witness in his favour but that witness also not turned up for her cross-examination.

8 Thus, on record, there is no any legal evidence adduced by the petitioner in his support.

9 Perusal of the statement of Opposite Party No 2 also shows that in her Court statement, she categorically stated that she



is the legally wedded wife of the petitioner and their marriage was solemnized in Shiv Mandir according to Hindu customs and rituals. This witness has also not been cross-examined by the petitioner herein. Thus, the statement made by Opposite Party No 2 is unrebutted.

10 Therefore, considering the unrebutted statement of Opposite Party No 2 and further considering the fact that the petitioner herein also did not produce any evidence in his favour to establish the fact that Opposite Party No 2 is not his legally wedded wife, the learned Family Court rightly arrived at the conclusion that Opposite Party No 2 is the legally wedded wife of the petitioner and passed the impugned order of maintenance.

11 Thus, I do not find any infirmity or illegality in the impugned order.

12 Resultantly, this revision petition is liable to be and is hereby dismissed at the stage of admission itself, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2024
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