

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.295 of 2023

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

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Pappu Yadav, Son Of Chano Yadav @ Chandeshwari Yadav Resident of
Village - Mohanpur, Bela Tola, P.S. - Simri Bakhtiyarpur (O.P. Belwaghat),
District - Saharsa

... .. Petitioner/s

Versus

Soni Kumari, Daughter of Late Suresh Yadav Wife of Pappu Yadav, Resident
of Village - Mohanpur, Bela Tola, P.S. Simri Bakhtiyarpur (O.P. Belwaghat)
District - Saharsa, at present resident of village- Parrahi, P.S.- Simri
Bakhtiyarpur (O.P. Balwaghat), District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 30-07-2024

I.A No. 1 of 2023

Heard the parties in Interlocutory Application.

2. This is an application for condoning of delay for
filing this revision application, which is barred by 56 days.

3. For the reason mentioned in the application, delay
of 56 days in filing this Revision Petition is condoned.

4. Interlocutory Application stands allowed.

Criminal Revision No. 295 of 2023

5. Also heard on admission.

6. This Revision petition has been preferred by the
petitioner being aggrieved with the judgment dated 10.11.2022
passed by Principal Judge, Family Court, Saharsa in



Maintenance Case No. 77 of 2019 whereby and whereunder the learned Principal Judge, Family Court allowed the application filed under Section 125 of Cr.P.C. by O.P./wife and directed the petitioner to pay monthly maintenance of ₹ 3000/- to the O.P./wife.

7. Learned counsel for the petitioner submits that the learned Family Court without affording sufficient opportunity of hearing to the petitioner, passed the *ex parte* order. Therefore, on this ground only, the impugned order is liable to be set aside.

8. Perusal of the Para 3 of impugned order shows that even after receiving the notice through registered post, the petitioner did not appear before the Family Court. Therefore, he was declared *ex parte*. Thus, the ground raised by the counsel for the petitioner is not acceptable since the petitioner himself chose not to participate in the maintenance case.

9. Learned counsel for the petitioner further submit that petitioner is a MANREGA labour. Therefore, the amount of maintenance i.e., ₹ 3000/- is in higher side, therefore it may be reduced to some extent.

10. Perusal of the impugned order shows that on the basis of evidence adduced by the O.P./wife, the Family Court arrived on the conclusion that the petitioner is working at



Mumbai as a skilled labour. However, O.P./wife was unable to produce any documentary evidence before the Family Court in this regard, but admittedly, the petitioner is working as MANREGA labour. He is aged about 22 years and capable to do work of labour, the amount of ₹ 3000/-, which has been directed by the Family Court, is also appears to be just and proper.

12. Resultly, the petition is liable to be dismissed at this stage itself, having no merit.

(Arvind Singh Chandel , J)

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