

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44879 of 2016**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Arun Kumar Mahto son of Trilok Mahto, Resident of Hatiya Railway Colony,  
D.S.-II, Quarter No.- 40/D, Police Station- Jagarnathpur, District- Ranchi,  
Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Manisha Kumari wife of Arun Kumar Mahto, D/o Surendra Mandal,  
Resident of Village-Rajbara, Police Station-Moro, District- Darbhanga

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Avinash, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      24-01-2024                      The present petition under Section 482 Cr.P.C. has  
  
been preferred by the petitioner for setting aside the entire  
proceedings arising out of Maintenance Case No. 71 of 2011  
filed by his wife-Respondent herein before Ld. Principal Judge,  
Family Court, Darbhanga. This maintenance case was filed by  
the wife-Respondent on 13.05.2011.

2. Ld. counsel for the petitioner submits that by the  
judgement/order dated 25.03.2014, marriage between the  
petitioner and his wife-Respondent has been dissolved by grant  
of divorce *ex-parte* by the Court of Ld. Principal Judge, Family  
Court, Ranchi in Matrimonial Suit No. 37 of 2013 (Arun Kumar  
Mahto vs. Manisha Kumari). As per the divorce order granting



*ex-parte* divorce, Rs. 3 lac has been directed to be paid by husband-Petitioner to Respondent-wife towards permanent alimony within two months from the date of decree. Ld. counsel for the petitioner further submits that in pursuance of this order, he has already complied with the direction of the Ld. Family Court regarding payment of permanent alimony of Rs. 3 lac. He further submits that in view of such facts and circumstances, the Maintenance Case No. 71 of 2011 filed by the wife-Respondent does not survive pending in the court of Ld. Principal Judge, Family Court, Darbhanga.

3. I considered the submissions of Ld. counsel for the petitioner and perused the case record. It transpires that decree of divorce has been granted on 25.03.2014 *ex-parte* in the absence of the wife-Respondent and Maintenance Case has already been filed long back in 2011, prior to the grant of divorce. In such situation, even if the plea of the petitioner is accepted that he has got divorce and he has paid Rs. 3 lac towards permanent alimony, entitlement of the wife-petitioner of maintenance from the date of filing of the Maintenance Case in 2011, till the grant of divorce is maintainable. However, the petitioner has liberty to contest that maintenance by filing his written statement and contest the petition.



4. As such, the present petition is devoid of merit and  
is, accordingly, dismissed *in limine*.

**(Jitendra Kumar, J.)**

ravishankar/-

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