

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1329 of 2018

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

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Bharat Bhushan Prasad Son of Sri Narsingh Prasad, resident of Village-
Madhuban, P.S.- Madhuban, P.O.- Madhuban, District- East Champaran,
Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Smt. Priyanka @ Rinku, wife of Sri Bharat Bhushan Prasad, D/o- Sri Navin Kumar @ Uttam Ji, Presently residing at Mohalla- Nand Gola, Patna Ghat, Patna City, P.S.- Malsalami, District- Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 31-01-2024 Having heard learned Advocate for the petitioner and on perusal of the impugned order of interim maintenance, this Court is of the view that there is no scope of interference against the impugned order. Let me assign reason.

2. It is submitted by the learned Advocate for the petitioner that the case of the petitioner was not considered by the trial court. However, on perusal of the impugned order dated 19th July, 2018, I find that the learned Principal Judge, Family Court, Muzaffarpur had elaborately mentioned the case of the opposite party. Thereafter, he passed an order directing the petitioner to pay maintenance @ Rs. 4,000/- per month in favour of opposite party. It is found from the impugned order



that the opposite party/wife has been residing at her paternal home along with her two minor children since 2011. There is no documents filed by the petitioner that he paid any maintenance allowance to the opposite party during the last eleven years.

3. A petition for interim maintenance is filed on the basis of sworn affidavits. The learned Advocate wants to submit that the opposite party no.2 voluntarily left her matrimonial home. A decree for restitution of conjugal rights was passed against her. In spite of such decree, she refused to stay with her husband. All such factual aspects can be taken into consideration only at the time of final hearing of the maintenance proceeding.

4. At this stage, the learned trial court found that opposite party no. 2 has been residing at her matrimonial home with her two children. No maintenance allowance has been paid till date to the opposite party no. 2. Therefore, the impugned order was passed.

5. I do not find any illegality in the impugned order and accordingly the instant revision is dismissed.

(Bibek Chaudhuri, J)

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