

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.482 of 2024

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

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Dhiraj Kumar Son of Late Jay Krishna Singh R/O Vill.- Cheriabariarpur,
P.S.- Cheriabariarpur, Dist.- Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Kundan Kumari D/O Shiv Shankar Prasad Singh R/O Vill.-Rahua, P.S.-
Sahebpur Kamal, Dist.- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Maharaj
For the Respondent/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 05-08-2024

I.A. No. 01 of 2024

The interlocutory application has been filed for
condonation of delay in filing revision application, which is
barred by one year sixty three days.

2. Heard.

3. For the reasons stated in the application delay in
filing the revision application is condoned.

4. Accordingly, Interlocutory Application stands
allowed.

Criminal Revision No. 482 of 2024

1. Heard on admission.

2. This revision petition has been preferred by the



petitioner being aggrieved by the order dated 02.01.2023 passed by Principal Judge Family Court Begusarai in maintenance case no. 116 of 2018 whereby, the Family Court allowed the application under Section 125 of Cr. P. C. filed by O.P. and directed the petitioner to pay the O.P. a monthly maintenance amount of Rs. 7,000/- from the date of submission of maintenance application that is 26.11.2018.

3. Heard counsel of the petitioner.

4. It is submitted by counsel of the petitioner that impugned order has been passed by the Family Court against the petitioner as an Ex-parte order and reasonable opportunity of hearing has not been provided by the Family Court to the petitioner therefore, he was unable to cross-examine the witness of O.P. and also unable to produce his evidence. He further submits that petitioner is a labour and earns a monthly income of Rs. 7,000/- only. Therefore, the maintenance amount that is Rs. 7,000/- as ordered by the Family Court is in higher side.

5. On perusal of the impugned order it clearly shows that after service of notice, petitioner appeared



before the Family Court on 10.02.2020 and also filed his written statement. After recording the examination-in-chief of the O.P. wife and after passing of interim maintenance order he choose not to further participate in the maintenance proceeding. Therefore, the learned Family Court recorded Ex-parte evidence of the O.P. wife and passed the impugned order. Thus, the contention made by the counsel that reasonable opportunity of hearing has not been provided to the petitioner is not acceptable.

6. Perusal of the impugned order further shows that on the basis of unrebutted statement of the O.P. wife the Family Court arrived on the conclusion that she is residing separately with sufficient cause and the petitioner got himself re-married with one Ruchi Kumari. The above finding recorded by the Family Court is based upon the evidence available on record which is neither perverse nor contrary to the record.

7. With regard the quantum of maintenance is concerned, though it was the pleading of the petitioner before the Family Court that he is a labour earning monthly income of Rs. 6,000 to 7,000/- only. But for establishing



this fact the petitioner himself neither produced any evidence nor recorded his statement before the Family Court.

8. Undisputedly, the petitioner is aged about 42 years. There is no evidence oral or documentary available on record which shows that due to any physical or mental illness he is unable to earn anything. Since he is a healthy person aged about 42 years and a labour therefore, the amount of maintenance i.e. Rs. 7,000/- appears to be just and proper. I do not find any merit.

9. Accordingly, the revision petition is dismissed.

(Arvind Singh Chandel , J)

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