

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 453 of 2023**

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

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Babita Devi W/O Sri Bindeswari Yadav R/O Village- Jagir Karaiya, P.O.-
DARIYAPUR, Ps. Kotwa, Dist. East Champaran

... .. Petitioner/s

Versus

Bindeshwari Yadav S/O Late Nathuni Yadav R/O Village- Jagir Karaiya, P.O.-
dariyapur, Ps. Kotwa, Dist. East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 21-08-2024

Heard.

2 This revision petition has been preferred by the applicant being aggrieved with the order dated 12.04.2023 passed by the learned Principal Judge, Family Court, East Champaran, Motihari in Maintenance Case No 449 of 2018 whereby the learned Principal Judge, Family Court rejected the application of the applicant for grant of maintenance under Section 125 of Cr P C.

3 Before the learned Principal Judge, Family Court, the applicant filed the maintenance case claiming that she is the legally wedded wife of the opposite party and their marriage has been solemnized before 15 years of the submission of application.



It was further pleaded that out of the wedlock, a child, namely, Manish Kumar was also born.

4 The learned Principal Judge, Family Court rejected the application on the ground that the applicant is unable to establish the fact that she is he legally wedded wife of the petitioner and is also unable to establish the fact that out of the wedlock, one son Manish Kumar was born.

5 Perusal of the impugned order clearly shows that before the learned Principal Judge, Family Court, it has been admitted by the applicant that her first husband is Ramdeni Paswan and no divorce has been taken by the applicant from her first husband Ramdeni Paswan. She also admitted the fact that Ramdeni Paswan is alive. From the impugned order, it further appears that against Ramdeni Paswan, the applicant also lodged Kesariya PS Case No 50 of 2003 for the offence punishable under Sections 498A/34 of the IPC.

6 Therefore, on the basis of above, the learned Principal Judge, Family Court arrived on the conclusion that the applicant is not the legally wedded wife of the opposite party rather she is the legally wedded wife of Ramdeni Paswan. Since the applicant is not the legally wedded wife of the opposite party, therefore, the



learned Principal Judge, Family Court rightly rejected the application of the petitioner for grant of maintenance.

7 Perusal of the impugned order further shows that the applicant wife is also unable to establish the fact that Manish Kumar is the legitimate child of the opposite party.

8 The finding recorded by the learned Principal Judge, Family Court is based upon the evidence available on record which is not perverse nor contrary to the record.

9 Resultantly, I do not find any illegality/infirmity in the impugned order.

10 This revision is liable to be and is hereby dismissed, having no merit.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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