

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.940 of 2018

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

Md. Faiyaz @ Faiyaj Alam Son of Israil, resident of Village- Son Sihari,
Police Station- Mufassil, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Shaheen Perween, Wife of Faiyaz Dauhter of Reyazuddin,
3. Daniyal Faiyaj, Son of Md. Faiyaj
4. Zyna daughter of Md. Faiyaz.
5. Maheera D/o Md. Faiyaz petitioner nos. 3 to 5 are minor Children and Under the Natural maternal guardianship of their mother All resident of Village- Arha, Police Station- Chandradeep, District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate Mr. Binay Kumar, Advocate Mr. Hafiz Shahbaz Atif, Advocate
For the Respondent/s	:	Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 19-02-2024 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The opposite party of Maintenance Case No.07M of 2018 is the petitioner before this Court challenging an order of maintenance passed by the learned Principal Judge, Family Court, Jamui on 25.05.2018 directing him to pay maintenance at the rate of Rs.6,000/- per month in favour of his wife and Rs.1,000/- per month each to the three children of the parties, total being Rs.9,000/- per month.



3. The petitioner has challenged the finding of the learned Principal Judge, Family Court, Jamui on the ground that no notice of the proceeding under Section 125 of the Cr.P.C. was ever served upon him, the Trial Court wrongly held that the notice published in the local newspaper circulated mostly in Jamui was deemed to be proper service. However, the petitioner resides at Nawada and he did not have any knowledge about publication of such notice. Secondly, it is submitted by the learned advocate for the petitioner that the petitioner is not a businessman as alleged by his wife nor he works as an electrician at Abu Dhabi. On the other hand, he is a worker under MGNREGA and earns his livelihood as day labourer.

4. Since, the opposite party is represented by his learned advocate before this Court, I direct the opposite party to appear before the Trial Court within fifteen days from the date of communication of this order and to file show cause before the learned Trial Judge. The learned Trial Judge shall take evidence of the petitioner and witnesses on behalf of him and allow the learned advocate for the opposite party no.2 to cross examine them and thereafter, passed a contested order in Maintenance Case No.07M of 2018, subject to the condition that till the disposal of the aforesaid case, the present petitioner shall go on



paying a sum of Rs.7,000/- per month without prejudice to his rights and contentions that may be raised during the Trial to the petitioner till the disposal of Maintenance Case No.07M of 2018.

5. In view of the above order, the impugned order dated 25.05.2018 passed by the learned Principal Judge, Family Court, Jamui is quashed and set aside.

6. The learned Principal Judge shall take endeavor to dispose of the aforesaid maintenance case within six months from the date of communication of this order.

7. Parties are at liberty to act on the server copy of this order.

8. Accordingly, the instant revision is thus, disposed of.

(Bibek Chaudhuri, J)

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