

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.816 of 2019

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

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Rupam Kumari D/o- Shri Yogendra Singh, W/o- Rajesh Kumar, Resident of Village and P.O.- Ratanpur, P.S.- Town Ratanpur, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar
2. Rajesh Kumar, Son of Shri Sachidanand Singh, Resident of Village and P.O.- Nauma, P.S.- Halsi, District- Lakhisarai. Presently working as T.T.E. and residing at Shiv Enclave, Vir Savarkar Nagar, P.O. and P.S.- Izzat Nagar, District- Barailly-243122, Uttar Pradesh.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Nikhil Kumar Agrawal, Advocate Ms. Aditi Hansania, Advocate Mr. Yash Sahay, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For the Opposite Party No.2	:	Mr. Mritunjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

10 11-11-2024 The present revision petition has been preferred by the Petitioner against the order dated 08.05.2018 passed by learned Principal Judge, Family Court, Begusarai in Maintenance Case No. 53M of 2012, whereby the maintenance case has been disposed of on the basis of reconciliation between the parties whereby the husband had agreed to keep his wife with all love and dignity and the wife/Petitioner was ready to join the company of the husband.

2. Heard both the parties.

3. Learned counsel for the Petitioner submits that the



reconciliation has failed and the husband never made any effort to take the wife/Petitioner to his matrimonial home.

4. However, learned counsel for the Opposite Party No.2/Husband submits that it is the wife/Petitioner who did not turn up to join him at his matrimonial home. He also submits that a divorce petition bearing no. 241 of 2012 was also filed by the Opposite Party No.2/husband for dissolution of marriage and that proceeding was also disposed of in view of the reconciliation between the parties *vide* order dated 08.05.2018 whereby the wife/Petitioner had agreed to live with the Opposite Party No.2 /husband but she has not joined his matrimonial home.

5. I Considered the submissions advanced by both the parties and perused the material on record.

6. I find that, two proceedings were going on between the wife/Petitioner and Opposite Party No.2/Husband. A maintenance case was filed by the Petitioner/wife/Rupam Kumari against her husband/ Opposite Party No.2/Rajesh Kumar for maintenance bearing Maintenance Case No. 53M of 2012, whereas the Husband/Rajesh Kumar/Opposite Party No.2 had filed divorce petition bearing no. 241 of 2012 against the wife/Petitioner Rupam Kumari, for dissolution of marriage. In



view of reconciliation between both the parties, learned Family Court had disposed of both the petitions. However, as per the submissions of the parties, it appears that compromise/reconciliation has failed to fructify. Hence, the Petitioner has liberty to resort to legal remedy as available to her as per law.

7. But there is no illegality or impropriety in the impugned order dated 08.05.2018 passed in Maintenance Case no. 53M of 2012. Parties to any litigation have right to compromise the matter, whereupon Court may disposed of the proceeding as per the compromise. However, it is for the parties to honour the terms and conditions of the agreement as reached at by them and if they fail to perform their part of agreement, the law would take its own course.

8. Hence, in such situation, the Petitioner/Wife is at liberty to file fresh maintenance case or revive the same Maintenance Case bearing No.53M of 2012 on account of failure of the reconciliation between the parties.

9. Even the husband is at liberty to revive the divorce petition bearing no. 241 of 2012 or file fresh divorce petition. In future, if good sense prevails upon the parties, they are always at liberty to reconcile the matter as per law.



10. Hence, the present petition is dismissed with liberty to the Petitioner to move appropriate application before the Principal Judge, Family Court, Begusarai for revival of the Maintenance Case No.53M of 2012 or file fresh maintenance petition if so advised. Husband may also take step for reviving the divorce petition bearing no. 241 of 2012 or file fresh divorce Petition.

(Jitendra Kumar, J.)

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