

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 603 of 2023**

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

=====

Md Prawej Alam @ Perwej Alam Son of Late Md. Jamaluddin Alam R/o
Mohalla - Saluganj, P.S. - Bihar Sharif, Distt. - Nalanda

... .. Petitioner/s

Versus

Shaista Shabana Wife of Md. Parwej Alam @ Prawej Alam, D/o Late Md
Salim Khan R/o Saluganj, P.s. - Bihar Sharif, Distt. - Nalanda. At present
resident at Bardi Badalpura, P.S.- Khagaul, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Bindeshwar Prasad Singh, Advocate
For the Respondent/s : Ms Sudha Ambastha, Advocate

=====

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 18-07-2024

Heard on admission.

2 This revision petition has been preferred by the petitioner, husband of the opposite party being aggrieved with the order dated 10.04.2023 passed by Additional Principal Judge, Family Court, Patna in Maintenance Case No 24 (m) of 2019 whereby the learned Additional Principal Judge, Family Court, while allowing the application filed under Section 125 of Criminal Procedure Code of the opposite party, directed the petitioner to pay monthly maintenance of Rs 15,000/- to the opposite party.

3 Learned counsel for the petitioner submits that the impugned order passed by the learned Additional Principal Judge,



Family Court against the petitioner is an ex parte order. According to the counsel, opposite party is a doctor and is getting handsome income and, therefore, as of now, she is not entitled to get any maintenance amount from the petitioner. It is further submitted by the counsel that the petitioner is working as Physiotherapist.

4 Bare perusal of the impugned order clearly shows that in spite of valid service of notice, the petitioner was not present before the Family Court and, thereafter, the case was fixed ex parte on 17.07.2019. Thereafter, the petitioner appeared before the Family Court, submitted his written statement and also an application for setting aside the ex parte order. The said application was allowed by the Family Court. However, as directed by the Family Court, the petitioner did not deposit the cost of Rs 2,500/- before the Family Court. Therefore, the case was again treated ex parte and finally ex parte order was passed by the Family Court. Thus, it is well settled that even after his appearance, the petitioner herein chose not to appear before the Family Court for contesting the maintenance case.

5 Perusal of the impugned order further shows that on the basis of evidence led by the opposite party and her witnesses, the Family Court arrived at a conclusion with sufficient cause that the opposite party is unable to maintain herself. Therefore,



considering the income of the petitioner, the Family Court passed the impugned order. The order passed by the Family Court is based on the evidence adduced by the opposite party which is not contrary to the records.

6 Thus, I do not find any merit in the present revision petition.

7 However, as contended by the learned counsel for the petitioner that at present, the opposite party is practicing as a doctor and is getting handsome income, he is advised to file petition under Section 127 of Cr P C before the Family Court for alteration/cancellation of the impugned order, if he so desires.

8 This revision petition is, accordingly, dismissed with the above observation.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
Transmission Date	19.07.2024

