

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1046 of 2019**

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

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RANJEET KUMAR Son of Ramchandra Sah Resident of Village - Koelwar,  
P.S.- Koelwar, District - Bhojpur.

... .. Petitioner/s

Versus

1. SANJU DEVI Daughter of Chhathu Sah Resident of village- Dhamar, P.S.-  
Ara Muffasil, Distt.- Bhojpur (Ara).
2. Ritu Kumari (Through the Legal Guardian Mother) Daughter of Ranjeet  
Gupta Resident of Village and P.O. - Dhamar, P.S. - Ara Muffasil, District -  
Bhojpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Mishra, Adv.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL**  
**ORAL ORDER**

5      06-08-2024

**Interlocutory Application No. 01 of 2024**

Heard learned counsel for the parties.

2. This application has been filed for condonation of  
delay in filing this Revision Application which is barred by ten  
months and 28 days.

3. On due consideration and for the reasons  
mentioned in the application, the same is allowed. The delay of  
ten months and 28 days of filing this Revision Application is  
condoned.

4. Accordingly, the Interlocutory Application No. 01  
of 2024 is allowed.

5. Also heard on admission.

6. This Revision Application has been preferred by



the petitioner being aggrieved with the order dated 14.06.2018 passed by the learned Principal Judge, Family Court, Bhojpur, Ara in Maintenance Case No. 04/2017 whereby and whereunder the Family Court while allowing the application filed under Section 125 by O.P. No. 1, directed the petitioner to pay a monthly maintenance of Rs. 7,000/- to O.P. No. 1-wife and Rs. 5,000/- to O.P. No. 2-daughter.

7. Learned counsel for the petitioner submits that the impugned order has been passed by the Family Court without affording any reasonable opportunity of hearing to the petitioner and passed the ex-parte order. According to the learned counsel for the petitioner, the O.P. No.1 is not legally wedded wife of the petitioner nor O.P. No.2 is the legitimate daughter of the petitioner. In spite of that, the Family Court passed the impugned order. According to the counsel, the petitioner is already a married person.

8. Perusal of the impugned order shows that even after the service of notice, the petitioner chose not to appear before the Family Court. Therefore, the Family Court after recording the evidence of O.P. No.1, passed the ex-parte order. Therefore, the contention made by learned counsel that the petitioner was not given duly opportunity of hearing, the same is not



acceptable.

9. Perusal of the impugned order further shows that on the basis of unrebutted statement of O.P. No. 1 and her witnesses, the Family Court arrived on the conclusion that she is the legally wedded wife of the petitioner and O.P. No. 2 is legitimate child of the petitioner. The finding recorded by the Family Court is based upon the evidence available on record which is not perverse nor contrary to the record.

10. With regard to the quantum of maintenance, the finding recorded by the Family Court is also based upon the unrebutted statement of O.P. No. 1.

11. Considering the income and earning capacity of petitioner the amount of maintenance i.e. Rs. 7000/- and Rs. 5,000/- in favour of O.P. Nos. 2 and 3 is also appears to be just and proper.

12. Resultantly, I do not find any merit in this Revision Application.

13. Accordingly, the Revision Application is hereby dismissed.

**(Arvind Singh Chandel , J)**

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