

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.64 of 2019

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

Sanjay Pasi @ Sanjay Choudhary Son of Dukhan Pasi Resident of Village - Jivachpur, Police Station - Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar And Ors
2. Poonam Devi, Wife of Sanjay Pasi @ Sanjay choudhary Resident of Village - Jivachpur, Police Station- Gamahriya, District - Madhepura at present address Poonam Devi Daughter of Chandeshwari Pasi, Resident of Village - Rampur, Police Station- Sour Bazar, District- Saharsa
3. Vijay Minor Son of Poonam Devi and Sanjay Pasi @ Sanjay Choudhary under the Guardianship of O.p. no. 2 Under the Guardianship of O.p. no. 2 Resident of Village - Jivachpur, Police Station- Gamahriya, District - Madhepura at Present address - Poonam Devi Daughter of Chandeshwari Pasi, Resident of Village - Rampur, Police Station- Sour Bazar, District- Saharsa
4. Khushboo Kumari, Minor daughter of Poonam Devi and Sanjay pasi @ Sanjay Choudhary Under the Guardianship of o.p. no. 2 Resident of Village - Jivachpur, P.S. - Gamahriya, District- Madhepura at present address Poonam Devi Daughter of chandeshwari Pasi, Resident of Village- Rampur, Police Station - Sour Bazar, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate
For the Respondent/s : Sri Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 01-04-2024 The instant revision is directed against an order of maintenance passed in Misc. Case No. 45/2016 on 8th November 2017 by the learned Principal Judge, Family Court, Saharsa, directing the petitioner to pay maintenance to his wife, Opposite Party No. 2 herein, at the rate of Rs. 2,500/- per month and to the minor children of the parties Rs. 1,000/- per month, total being 4,500/- per month.



2. The impugned order was challenged in the instant revision on the ground of non-service of notice upon the petitioner and without considering the fact that the petitioner did not receive any notice of the above mentioned miscellaneous case. The learned Principal Judge, Family Court, Saharsa, passed an *ex parte* order on 8th November 2017, directing the petitioner to pay maintenance.

3. It is submitted by the learned Advocate for the petitioner that the petitioner did not know about the filing of the case by the Opposite Party No. 2. Marriage of the petitioner was solemnized by the the Opposite Party No. 2 about 12 years ago. It is also alleged by the Opposite Party No. 2 that on 28th June 2014, she was driven away from her matrimonial home along with her minor children. Subsequently, in the year 2016, she filed an application under Section 125 of the CrPC which was registered as Misc. Case No. 45 of 2017.

4. Though, it is contended on behalf of the petitioner that he did not receive any notice, the learned Principal Judge, Family Court at Saharsa in his impugned order clearly recorded in paragraph 2 that the notices were issued against the Opposite Party / petitioner herein, but he could not appear in this case and the case was posted for *ex parte* hearing against the Opposite



Party. Thus, the impugned order suggests that the opposite party did not appear to contest the proceeding under Section 125 of the CrPC, in spite of service of notice.

5. On perusal of the quantum of maintenance, I find that the trial court passed minimum maintenance allowance for the Opposite Party No. 2 and her two minor Children. There is no reason to interfere with the impugned order.

6. Having heard the learned counsels for the parties, I do not find any reasons for interference. I also do not find any illegality or immaterial irregularity in the order.

7. Accordingly, the impugned order is affirmed. The instant revision is dismissed on contest. However, there shall be no order as to cost.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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