

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 807 of 2022**

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

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Manoj Kumar @ Manoj Kumar Mishra Son of Vinay Mishra Resident of village - Ladugama, P.O.- Agai, P.S.- Benipatti, District - Madhubani. At present residing at c/o Late Waseem Abadin, 20E, Road No.- 12, Rajendra Nagar, P.S.- Kadamkuan, Patna - 800016. (Opposite Party in the Maintenance Case before Family Court, Sitamarhi).

... .. Petitioner/s

Versus

1. Aditi Rachna @ Chhoti Kumari Wife of Manoj Kumar @ Manoj Kumar Mishra Daughter of Akhilesh Prasad Singh, Resident of Village - Balua, P.O.- Ladugama, P.S.- Dumra, District - Sitamarhi.
2. Atichh Son of Manoj Kumar @ Manoj Kumar Mishra Resident of Village - Balua, P.O.- Ladugama, P.S.- Dumra, District - Sitamarhi. (He is minor and under guardianship of her mother/ Opposite Party no.- 1) (Applicants in the Maintenance Case before Family Court, Sitamarhi).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate
For the Opposite Parties : M/s Sumit Kr Jha, Riya Giri, Advocates

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 16-07-2024

Heard both the parties.

2 Perused the impugned order dated 06.08.2022 passed by Principal Judge, Family Court, Sitamarhi in Maintenance Case No 123 of 2019 whereby the Family Court directed the petitioner to pay monthly maintenance amount of Rs 5,000/- to Opposite Parties No 1 and 2, i e, his wife and minor child and further directed the Opposite Party No 1 to incorporate the name of one



Kumari Medha as Opposite Party No 2 in the said maintenance case.

3 Learned counsel for the petitioner submits that the petitioner is not challenging the first part of the impugned order whereby the learned Family Court directed to pay monthly maintenance of Rs 5,000/- to Opposite Parties No 1 and 2. He confines his argument only on the second part of the impugned order whereby the Family Court directed the Opposite Party – wife to incorporate the name of Kumari Medha as Opposite Party No 2.

4 Perusal of the impugned order dated 06.08.2022 shows that an application dated 02.06.2022 has been filed by Opposite Party No 2 – wife for allowing her to incorporate the name of one Kumari Medha, allegedly the second wife of the petitioner herein which has been allowed by the Family Court vide the impugned order. Before the Family Court, the pending proceeding was of Section 125 of Cr P C only. According to the pleadings of the Opposite Party – wife, the petitioner herein performed the second marriage with the said Kumari Medha and, therefore, on the basis of this pleading only, the Family Court allowed the application and directed the Opposite Party – wife to incorporate the name of Kumari Medha as Opposite Party No 2 in the maintenance petition.



5 Whether the petitioner herein, i e, the husband performed his second marriage with Kumari Medha is concerned, it is a matter of evidence only and in the maintenance case filed under Section 125 of Cr P C impleading the alleged second wife of the husband is not required nor the alleged second wife is the necessary party in this maintenance case.

6 The impugned order dated 06.08.2022 with regard to incorporating the name of Kumari Medha as Opposite Party No 2 is hereby set aside.

7 Accordingly, the petition is partly allowed, as indicated above.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2024
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