

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73716 of 2022

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

Ashok Pandey S/o Late Yogendra Pandey Resident of village- Semera (Pandey Tola), P.S.- Tarkauliya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Antima Devi W/O Ashok Pandey, D/O Late Ganesh Chaubey
3. Saloni Kumari D/o Ashok Pandey
Resident of village- Semra (Pandey Tola), P.S.- Turkauliya, District- East Champaran. At present R/o Village- Satwariya, Post- Chanpatiya, P.S.- Sathi, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the O.P. No.2 & 3	:	Mr. Binod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2024 Heard Mr. Rakesh Kumar No.1, learned Advocate for the petitioner and Mr. Binod Kumar, learned Advocate representing Opposite Party Nos.2 and 3.

2. The petitioner is aggrieved by the order dated 09.03.2021 passed by the learned Principal Judge in Maintenance Case No.133M/2006, whereby and whereunder the learned Principal Judge extended the maintenance amount from Rs.3,000/- to Rs.5,000/- in favour of Opposite Party Nos.2 & 3. It is the admitted fact that the petitioner is the husband of the Opposite Party No.2 and father of the Opposite Party No.3. The only contention which has been raised on behalf of the



petitioner is that he is a Homeguard Constable and working on a temporary/casual basis getting a meagre amount, thus on account of paucity of money he has not been in a position to pay such a huge amount. It is also contended that the learned Family Court while enhancing the maintenance amount, has also not taken into consideration that the petitioner is a person belonging to a poor family having no landed property.

3. At this stage, learned Advocate for the Opposite Parties submitted that the original maintenance order was passed way back on 06.10.2010 directing the petitioner to ensure payment of Rs.1,500/- to each of the Opposite Parties, however, not a single penny has been paid to them; all the more, despite the distress warrant issued against the petitioner he did not even bother to ensure his presence before the Family Court. In the meantime, the aforementioned Opposite Parties approached before the Family Court for enhancement of the maintenance amount as directed aforementioned and vide order dated 09.03.2021 the maintenance amount has been enhanced from Rs.3,000/- to Rs.8,000/- with respect to both the Opposite Party Nos. 2 and 3. It is also the contention of the learned Advocate for the Opposite Parties submitted that at the time of passing of the impugned order the court has assessed the income of the petitioner @



Rs.24,000/- and thereupon direction has been given to pay 1/3rd of the salary of the petitioner. The petitioner is also having landed property and he is a man of means.

4. Having heard the learned Advocate for the respective parties and taking note of the fact that the petitioner, having no regard for the order passed by the Family Court, has unnecessarily harassing the opposite parties by one or another pretext lacking complete *bona fide* and in this way the Opposite Party Nos.2 and 3 have been deprived from the fruits of the order since 2010, this Court is not acceded to the prayer of the petitioner and accordingly, the present quashing application stands dismissed with a direction to the Family Court, West Champaran at Bettiah to take all the measures to ensure the payment of month to month maintenance, as well as, the arrears thereof forthwith in favour of the opposite parties.

5. The quashing applications stands dismissed.

(Harish Kumar, J)

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