

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.41 of 2022

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

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Pappu Kumar S/o Sarwanand Prasad, R/o village- Reganiyabad, P.S.-
Nauwatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pushpa Kumari D/o Harendra Prasad, R/o village- Shardha Chapra, Post and
P.S.- Rani Talab, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brajendra Kumar Pandey, Advocate Mr. Jaishankar Pathak, Advocate
For the State	:	Mr. Ajit Kumar, APP
For the O.P. No. 2	:	Mr. Anuj Kumar, Advocate Ms. Pushpa Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

8 28-02-2025 Both the parties are present along with their counsel.

2. The petitioner-husband also hands-over the bank
draft of Rs. 5,00,000/- to the O.P. No. 2/wife (Pushpa Kumari).
A receipt of the same is filed across the Board and the same is
taken on record.

3. LCR is already received.

4. The case is matured for final hearing. Hence, on the
request of both the parties, the matter is being heard.

5. The present petition has been preferred against the
impugned order dated 28.09.2021, whereby the petitioner-
husband has been directed to pay Rs. 25,000/- per month to his



wife/O.P. No. 2 herein towards her maintenance.

6. It transpires that the husband-petitioner did not join the maintenance proceeding before learned Family Court to contest the petition filed by his wife for maintenance. However, it transpires from the record that he was aware of the proceeding, because in the proceeding of the anticipatory bail petition, he was directed by a co-ordinate Bench of this Court to appear in the maintenance case bearing No. 208M of 2018.

7. Learned counsel for the petitioner submits that on account of wrong advice of former learned counsel for the petitioner, he could not attend the maintenance proceeding, because he was not make aware of the order passed by this Court in anticipatory bail petition and hence, the case of the husband-petitioner could not come on record before learned Family Court before passing the impugned order.

8. He further submits that the petitioner has his mother also as dependent upon him, besides the present wife/O.P. No. 2 herein and his salary was not as found by the learned Family Court in the impugned order. He has filed a photocopy of the Salary Slip, showing that presently his gross monthly salary is Rs. 82506/- and take home salary is Rs. 61891/-, whereas in the year of 2018 when maintenance petition



was filed, his gross monthly salary was about Rs. 50,000/- and hence, it would be unjust to direct this petitioner to pay Rs. 25,000/- per month to his wife towards her maintenance. Hence, learned counsel for the petitioner is requesting for remanding the matter and offering that during pendency of the maintenance petition before learned Family Court, he would pay interim maintenance @ Rs. 15,000/- per month which would be adjusted against the final order which would be passed by learned Family Court. This interim maintenance amount would be paid in the bank account of the wife after supply of the same.

9. Learned counsel for the O.P. No. 2/wife (Pushpa Kumari) agrees to this proposal that the matter may be remanded, subject to monthly payment of Rs. 15,000/- per month as an interim maintenance during the pendency of the maintenance proceeding which would be finally adjusted against the final order.

10. Accordingly, the present petition is disposed of by remanding the matter to the Family Court with a direction to learned Family Court to dispose of the maintenance petition within six months by running this case on day to day basis and both the parties would be represented either through their counsel or they would be present in person whenever required.



11. The payments so far made by the petitioner-husband to O.P. No. 2/wife will be also adjusted against the final order which would be passed in the maintenance proceeding and this interim maintenance of Rs. 15,000/- will be payable from March, 2025. The monthly interim maintenance of Rs. 15,000/- will be paid by the husband-petitioner by way of transferring the amount in the Bank account of O.P. No. 2/wife (Pushpa Kumari) and she is directed to supply her Bank Account Number in the Family Court for information of her husband and needful.

12. Rs. 20,000/- is also directed to be paid by the petitioner-husband to his wife/O.P. No. 2 towards litigation cost of the present proceeding.

13. The present petition is disposed of, accordingly.

14. Both the parties are directed to be present before the Family Court on 28.03.2025 for further proceeding.

15. Office is directed to send back the LCR to learned Family Court without any delay.

(Jitendra Kumar, J.)

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