

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.73 of 2025

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

=====

Bashisht Yadav S/o- Upendra Yadav Village- Puraini Ward no 2 P.O- Ghordaur PS- Salkaua District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tetri Devi D/o- Chhoti Sada Village- Puraini Ward no 2 P.O- Ghordaur PS- Salkaua District- Saharsa

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rananjay Kumar
For the Respondent/s : Mr. Tapeswar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 07-07-2025 This is an application under Section 5 of the Limitation Act filed by the petitioner of Criminal Revision No. 73 of 2025 praying for condonation of delay by 242 days.

2. It appears from the record that the O.P. No. 2 filed Maintenance Case No. 73/2021 against the petitioner before the learned Principal Judge, Family Court at Saharsa. In the said proceeding, the learned Principal Judge, Family Court at Saharsa passed an order of interim maintenance at the rate of Rs. 3,000/- per month in favour of the O.P. No. 2.

3. It is contended on behalf of the petitioner that he came to know about the maintenance case no. 73 of 2021 only on receipt of the copy of the order of interim maintenance.

4. The maintainability of the maintenance proceeding



has been challenged in the instant case on the ground that the O.P. No. 2 is not the legally married wife of the petitioner.

5. It is needless to say that the revisional court is not in a position at the preliminary stage of trial of the maintenance case to come to a finding as to whether the petitioner is the legally married husband of the O.P. No. 2 or not. In order to decide the issue, the parties are required to lead evidence. It is ascertained that evidence has not been started in Maintenance Case No. 73 of 2021 as yet.

6. Considering such circumstances, I find that the instant revision is not maintainable before this Court at this stage as a result, the petition for limitation for condonation of delay in filing the revisional application is also not maintainable. Both the interlocutory application filed under Section 5 of the Limitation Act as well as Criminal Revision No. 73/2025 are accordingly dismissed. However, the petitioner is at liberty to take appropriate action in the trial court to establish his claim.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U		T	
---	--	---	--

