

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.152 of 2023**

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

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GOVIND GOPAL

... .. Petitioner/s

Versus

KRITIKA KUMARI & Anr.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kr. Sinha, Advocate
For the Respondent/s : Mr.Shashi Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

8 05-02-2025 The instant Cr. Revision is filed against an *ex parte* order of maintenance passed by the learned Principal Judge, Family Court, Madhubani, in Case No. M.R. 18 of 2019 on 10th of November, 2022, allowing the maintenance application filed on behalf of the minor children of the petitioner, directing him to pay maintenance at the rate of Rs. 5,000/- each, totalling Rs. 10,000/-.

2. The said *ex parte* order of maintenance is under challenge in the instant revision on the ground that the petitioner is a permanent resident of Ward No. 33, Begusarai, but the notice of the said maintenance case was sent to Mungeriganj in the District of Begusarai and the petitioner did not receive the said notice.

3. Thus, it is contended on behalf of the petitioner



that *ex parte* order of maintenance was passed without service of notice and without giving opportunity to the petitioner of being heard.

4. Proviso to Section 126 (2) of the Cr.P.C. clearly states that an *ex parte* order of maintenance may be set aside by the learned Magistrate (here it is learned Principal Judge, Family Court) for good cause shown on an application made within 3 months from the date thereof, subject to such terms, including terms as to the payment of costs to the opposite party, as the Magistrate may think just and proper.

5. In view of the aforesaid provision contained in the code, the instant revision is not maintainable.

6. Accordingly, the Cr. Revision is dismissed, being not maintainable.

(Bibek Chaudhuri, J)

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