

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.194 of 2025

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

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Amit Kumar S/O Gunnu Prasad Singh Resident of Alamganj Near School,
Gur ki Mandi, Arfabad Colony, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, Patna
2. Vandana Kumari D/O Sri Ganesh Prasad R/O Mohalla Krishna Bihar Colony, P.S.- Beur, Dist.- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Respondent/s	:	Mr. Abhay Kumar Roy, Advocate
For the O.P. No. 2	:	Mr. Arvind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 22-07-2025 This is an application under Section 19(4) of the Family Courts Act challenging an order dated 08th October, 2024 passed by the learned Additional Principal Judge, Family Court at Patna in Maintenance Case No. 249/2019 directing the petitioner to pay interim maintenance at the rate of Rs. 15,000/- per month to the O.P. No. 2.

2. The petitioner has challenged the said order of interim maintenance disputed his monthly income. Secondly, he also disputed the allegation made by the petitioner that he had solemnized the marriage with another lady, namely, Puja Kumari and thirdly, it is contended by him that in the year 2022, he filed a suit for divorce which was decreed *ex parte* and after



obtaining divorce from the petitioner, he had married for the second time.

3.The law on this point is absolutely clear: “wife” includes a divorced woman until she remarries. Therefore, the petitioner is entitled to maintenance. However, this Court finds strong case and counter-case in respect of the income and liabilities of the parties; hence, this Court is of the view that the application for interim maintenance ought to be considered on the basis of affidavits of assets and liabilities to be filed by both parties in the trial court. Accordingly, I quash and set aside the order passed by the learned Additional Principal Judge, Family Court at Patna (Maintenance Case No.249/2019), dated 08 October 2024, directing him to re-appraise the application for interim maintenance on the basis of affidavits of assets and liabilities to be filed by the parties within one month from the date of passing of this order in the trial court. The concerned learned Judge shall dispose of the application for interim maintenance within three months from the date of receipt of affidavits of assets and liabilities, positively. The trial court is also directed not to give any unnecessary adjournment to either of the parties while taking up the application for interim maintenance.



4. Further, the trial court shall also consider the issue that no payment has been made towards interim reliefs by the petitioner even after passing of the order dated 08th October 2022.

5. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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