

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.147 of 2024

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

Rakesh Kumar S/o Sri Rajendra Prasad Rajak Resident of - Flat No. 103, Mansarovar Enclave, Mahuabag, P.O.- Dhanaut, P.S.- Rupaspur, Town and District-Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Roopam Kumari @ Rupam Kumari (W/o Sri Rakesh Kumar), D/o Sri Satya Prakash Safi Resident of Late No. 103, Mansarovar Enclave, Mahuabag, P.O.- Dhanaut, P.S.-Rupaspur, Town and District- Patna, presently Residing at- Village-Jainagar Bati, P.S.- Jainagar, District- Madhubani

... .. Respondent/s

Appearance :
For the Petitioner/s : Mr. Pratyush Kumar, Adv.
For the State : Mr. Binod Kumar, APP
For the Opposite Party No. 2 : Mr. Vikas Ratan Bharti, Adv.
Mr. Deepak Kumar, Adv.
Mr. Kumar Abhishek, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 05-08-2025 This is an application under Section 19(4) of the Family Courts Act filed by the petitioner/husband challenging an order of maintenance passed by the learned Principal Judge, Family Court, Madhubani in M.R. Case No. 368 of 2019, directing the petitioner to pay maintenance to the opposite party/wife @ Rs. 6,000/- (Rs. Six thousand) per month from the date of filing of the application.

2. At the outset, a preliminary objection has been raised by the learned Advocate for the opposite party submitting, inter alia that Paragraph 3 of the impugned

judgment clearly shows that the above-mentioned maintenance case was disposed of, ex parte. Therefore, the petitioner had efficacious remedy for setting aside, ex parte, order on Good cause being shown under Section 126(2) of the Code of Criminal Procedure. It is ascertained from the submission made by the learned Advocate appearing on behalf of the petitioner that the petitioner came to know about the case on the date of delivery of the impugned judgment and he also filed *Vakalatnama* through his learned Advocate but the learned Trial Court did not permit the petitioner to advance his case.

3. Therefore, in all practical purposes, the case was disposed of, ex parte. Relief of the petitioner for setting aside the, ex parte, order lies in Section 126(2). Therefore, the instant revision is dismissed as being not maintainable. However, the petitioner is given liberty to file an appropriate application before the learned Trial Court along with an application for condonation of delay under Section 5 of the Limitation Act read with Sections 12 & 14 of the Limitation Act, within three weeks from the date of communication of this order. If such an application is filled, the learned Principal Judge, Family Court shall dispose of the same after giving opportunity to both the parties of being heard in accordance with law.

4. With the above order, the instant revision is
disposed of.

Jyoti Kumari/-

(Bibek Chaudhuri, J.)

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