

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.356 of 2022

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

=====

Munna Kumar Son Of Shivji Prasad Resident Of Village - And P.O.- Mirpur,
P.S.- Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. Nilam Devi W/o Munna Kumar, D/o Surendra Prasad Gupta Resident of Village - Mirpur, P.O.- Mirpur, P.S.- Chiraiya, Distt.- East Champaran, Presently residing at Village - Bankatwa, P.s.- Jitna, Distt.- East Champaran.
2. Mansi Kumari (Minnor) D/o Munna Kumar Under the Guardianship of Her Mother Nilam Devi , Resident of Village - Mirpur, P.O.- Mirpur, P.S.- Chiraiya, Distt.- East Champaran, Presently residing at Village - Bankatwa, P.s.- Jitna, Distt.- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajan, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

14 07-04-2025 The matter is still at the stage of admission and today it is fixed for hearing on I.A. No. 01 of 2025 filed for condonation of delay of 999 days in filing the present Criminal Revision petition.

2. As per the petition, the petitioner/husband works outside the State and due to Corona, he could not contact the Advocate and after the Corona was over in the year of 2020, he contacted the Advocate and filed the present petition.

3. From perusal of the case record, it transpires that the impugned order has been passed by learned Principal Judge, Family Court, East Champaran at Motihari on 28.05.2019,



whereby learned Family Court has awarded maintenance in favour of O.P. No.1/wife @ of Rs.3,000/- per month and O.P. No.2/Minor Child, born out of the wedlock between petitioner herein and O.P. No.1, @ of Rs.15,00/- per month.

4. I heard learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that delay in filing the present Criminal Revision was neither willful nor negligent, but on account of Corona and lack of knowledge on the part of the petitioner/husband regarding the order.

6. I considered the submissions advanced by learned counsel for the petitioner and perused the material on record.

7. I find that the husband/petitioner has participated in the maintenance proceeding contesting the application of his wife/O.P. No.1 and minor child/O.P. No.2 for maintenance and impugned order has been passed on contest. As such, he was aware that impugned maintenance order passed on 28.05.2019.

8. I further find that even if Corona period is excluded from the delay, there is still inordinate delay in filing the petition without any justifiable reason. It appears that this revision petition has been filed belatedly only with intent to deprive his wife and minor child of their right to get maintenance. In view of the urgency of the maintenance to be provided to the



dependents, such delay cannot be condoned.

9. In the aforesaid facts and circumstances, I am not persuaded to condone the delay and admit the present petition.

10. Accordingly, the I.A. No. 01 of 2025 is rejected and present Criminal Revision petition is dismissed as time barred.

11. Office is directed to send a copy of this order to concerned Court and Family Court is directed to enforce the order by taking a coercive measure in favour of the O.P. Nos. 1 and 2.

(Jitendra Kumar, J.)

ravishankar/-

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

