

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.430 of 2024

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

=====

Saddam Khan @ Md. Saddam Khan Son Of Nejamuddin Khan Village-
Patahi Chowk, PS- Bairganiya, Dist- Sitamarhi

... .. Petitioner/s

Versus

Rukhsana Khatoon Wife Of Saddam Khan @ Md. Saddam Khan, Village-
Bhediharwa, PS- Kangli, Dist- West Champaran

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Respondent/s : Mr. Sujeet Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 06-02-2025

The instant criminal revision is directed for setting aside an ex parte order of maintenance passed by the learned Principal Judge, Family Court, West Champaran, Bettiah on 21st September 2022 in Maintenance Case No. 6M/2021.

2. In view of *proviso* to Section 126(2), the Court which passed the order of maintenance *ex parte* has the power to set aside on any good ground to be shown by the present petitioner/husband.

3. At this stage, it is submitted by the learned Advocate appearing on behalf of the petitioner that if the petitioner is compelled to file an application for setting aside the *ex parte* order in the trial court, the application would be barred by limitation.



4. It is for the trial court to consider the period of limitation in accordance with law, if such an application is filed. This Court cannot comment anything about condonation of delay on assumption.

5. For the reasons stated above, this Court finds that the instant criminal revision is not maintainable and accordingly, the same is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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

