

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.813 of 2024

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

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Simpi Kumari @ Puppup Daughter of Sri Subodh Narayan Mishra Village-
Thadhi, Ward No. 6, P.S.- Andhrathdhi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pro. Rajesh Kumar Jha @ Mintu Son of Indra Kant Jha Village- Koriyathi,
Ps- Sursand, Dist- Sitamarhi P/A- A-201, Shyam sagar, C.H.S. Ltd.,
Chanakya Chauk, Virar Nagar Ps- Virar Ps- Virar West, Dist- Thane,
Maharashtra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Simpi Kumari @ Papu, Advocate
For the States	:	Mr. Sunil Kr. Pandey, APP
For the O.P. No. 2	:	Mr. Manoj Kr. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 21-04-2025 In the instant criminal revision Ms. Simpi Kumari, learned Advocate, has approached this Court to set aside the order dated 04th July, 2024, passed in MR Case No. 15/2018 by the learned Principal Judge, Family Court, Madhubani, whereby and whereunder the learned Principal Judge dismissed the case for non-prosecution. It is submitted by the learned Advocate on behalf of the petitioner that the opposite party entered an appearance in the aforesaid maintenance case in the year 2020. After the exchange of affidavits, the trial court fixed the case for recording evidence of the petitioner on 10th November, 2022. The petitioner never appeared on any date of recording



evidence. Finding no other alternative, the learned Principal Judge, Family Court, Madhubani, dismissed the said application for maintenance vide order dated 04th July, 2024. The petitioner has challenged the said order.

2. The learned Advocate on behalf of the opposite party has raised vehement objection against the prayer made by the petitioner in the instant revision. It is further submitted by him on behalf of the opposite party/husband that the opposite party no. 2 filed a suit under Section 12 of the Hindu Marriage Act, 1955, which was registered as Matrimonial Case No. 4 of 2020. In the said case, the petitioner appeared but did not take any step for filing a written statement, and she is absolutely negligent regarding the conduct of the said case also.

3. Be that as it may, this Court prefers for contested disposal of any dispute between the parties to a litigation; therefore, the instant revision is disposed of on condition that the order dated 4th July 2024 shall be recalled and the maintenance case shall be revived on condition of the petitioner's filing a written statement in the said matrimonial case within 15 days from the date of this order.

4. The petitioner is also directed to appear before the trial court for adducing evidence on all dates that will be fixed



by the learned Principal Judge, Family Court, Madhubani.

5. If the petitioner fails to appear and comply with the order in the maintenance case, bearing MR Case No. 15 of 2018, the learned Principal Judge, Family Court, Madhubani, is at liberty to pass an appropriate order in accordance with the law.

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

7. It is submitted by the learned Advocate on behalf of the opposite party no. 2 that the opposite party no. 2 has been working in Mumbai, and for his convenience both the MR Case No. 15 of 2018 and Matrimonial Case No. 4 of 2020 may be directed to be fixed on the same day.

8. Learned Principal Judge, Family Court, Madhubani, shall consider the prayer made on behalf of the opposite party no. 2 so that no inconvenience may be caused to him to contest the cases coming from Mumbai.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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