

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.64 of 2025

In

Miscellaneous Jurisdiction Case No.2280 of 2024

Dharam Deo Jha, Gender-Male, Son of- Late Mahi Nath Jha, Resident of Village--Dhengri, P.O-Bardaha, Police Station-Sikty, District-Araria

... .. Appellant/s

Versus

1. Pushpa Devi, Gender – Female, W/O-Sri Dharam Deo Jha, D/O-Sri Shiv Kant Thakur, Resident of Mohalla Prabhat Colony, P.SK. Hai, District Purnea.
2. Nidhi Kumari @ Nitu Kumari, Gender – Female, D/O-Sri Dharam Deo Jha under the guardianship of her mother namely Smt. Pushpa Devi Resident of Mohalla Prabhat Colony, P.S-K. Hai, District-Purnea.
3. The Bank of Baroda through Sri Debadatta Chand, Managing Director cum CEO, Baroda House, Near Mandvi, P.B. No. 506, Vadodra, Gujarat.
4. Sri.B.Elango, Chief General Manager, Bank of Baroda, Baroda Corporate Centre, 7th Floor, G-Block, C-26, Bandra Kurla Complex, Bandra- East, Mumbai 400051.
5. Sri, Ashwini Kumar, General Manager (Principal Nodal Officer), Bank of Baroda Tower, Nr. Law Garden, Ellis Bridge, Ahmedabad-38006, Gujarat.
6. Sri. Ajay N. Choski, Dy. General Manager, Bank of Baroda, Zonal Office, 6th Floor, Bank of Baroda Tower, Nr.Law Garden, Ellis Bridge, Ahmedabad- 380006, Gujarat.
7. The State of Bihar through Arvind Kumar Choudhary, Principal Secretary, Department of Home, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Smiti Bharti, Advocate
For the Respondent Nos.1 & 2 : Mr. Gautam Kumar Kejriwal, Advocate
Mr. Alok Kumar Jha, Advocate
Mr. Mukund Kumar, Advocate
Mr. Akash Kumar, Advocate
For Resp. Nos. 3 to 6 : Mr. Vivek Prasad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-01-2026

This Letters Patent Appeal has been filed by the appellant - Dharam Deo Jha challenging the order dated 20.12.2024 passed in M.J.C. No. 2280 of 2024.

2. The appellant is the husband of respondent No. 1 – Pushpa Devi and the respondent No. 2 – Nidhi Kumari is the daughter of appellant and respondent No. 1. The marriage between the appellant and respondent No. 1 was solemnized in the year 1996 and respondent No. 2 was born out of the wedlock of the appellant and respondent No. 1 on 09.08.2010. The appellant is Senior Manager in the Bank of Baroda, Gujarat. The difference cropped up between the husband and wife and a criminal complaint was filed by the respondent No. 1 – Pushpa Devi at Purnea in the year 2001. Thereafter, a maintenance case was filed by the respondent No. 1 in the year 2007, which was registered as Maintenance Case No. 171 of 2007 at Purnea Civil Court, in which judgment was pronounced on 20.12.2016 and the Family Court, Purnea passed a judgment and directed the appellant to pay monthly maintenance at the rate of Rs. 8000/- (Rupees Eight Thousand) in favour of the respondent No. 1 – Pushpa Devi and



Rs. 5000/- (Rupees Five Thousand) per month in favour of respondent No. 2 – Nidhi Kumari.

3. In the year 2017, the appellant filed a matrimonial suit at Araria which was registered as Matrimonial Suit No. 116 of 2017 for dissolution of marriage. In 2017, the appellant challenged the order of maintenance before this Court which was registered as Cr. Revision No. 279 of 2017 and on 05.03.2018, this Court passed an interim order directing payment of Rs. 7500/- (Rupees Seven Thousand Five Hundred) to respondent Nos. 1 and 2. Despite interim order, no payments were made, however, some payments were made on occasional basis.

4. On 09.05.2024, an interim order was passed by a learned Single Judge of this Court directing the Bank of Baroda to deduct the current and arrears of maintenance from the bank account of the appellant, however neither the Bank of Baroda nor the appellant complied with the said order passed in the aforesaid Criminal Revision Petition, for which on 09.07.2024 a contempt petition was filed by the respondent Nos. 1 and 2 *vide* M.J.C. No. 2280 of 2024 for initiation of contempt proceedings against the appellant and others as only a sum of Rs. 7500/- (Seven Thousand and Five Hundred) was paid by the appellant after the order was pronounced on 09.05.2024.



5. On 12.08.2024, the Criminal Revision Petition was dismissed on merits, whereafter on 20.12.2024, the impugned order was passed in M.J.C. No. 2280 of 2024, directing payment of arrears of maintenance as per the order dated 09.05.2024. As per the order of this Court, the Bank of Baroda deducted an amount of Rs. 2,47,500/- (Two Lakhs Forty Seven Thousand Five Hundred) from the account of the appellant and paid it to the respondent Nos.1 and 2. This L.P.A. has been filed, as already stated, challenging the order dated 20.12.2024 passed in the aforesaid M.J.C. No. 2280 of 2024.

6. The learned counsel for the appellant submits that since the matter has been finally adjudicated by this Court invoking its revisional jurisdiction and the amount of maintenance which was directed to be paid by the learned Family Judge, Purnea has been affirmed, in view of provisions contained under Section 125 (3) of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C.'), necessary steps should have been taken by the respondent Nos. 1 and 2 for execution of such order, hence the learned Single Judge was not justified in entertaining the contempt proceedings and passing the order dated 20.12.2024.

7. Since we posed a pertinent question to the learned counsel appearing for respondent Nos. 1 and 2 as to whether any



application in terms of the provisions contained under Section 125 (3) of the Cr.P.C. has been filed before the learned Family Judge, the answer is in the affirmative and the learned counsel has stated that Execution Case No. 35 of 2024 has been filed, which is *sub judice* before the Execution Court, as has been stated in paragraph No. 10 of the counter affidavit which has been filed by the appellant in M.J.C. No. 2280 of 2024. However, the learned counsel for the respondent Nos. 1 and 2 submits that the execution case has been numbered as Miscellaneous Case No. 10 of 2024 and the C.I.S. No. is 35 of 2024.

8. The learned counsel for the appellant submits that as per the aforesaid order passed by the learned Family Judge which has been affirmed by this Court, the total entitlement of the respondent Nos. 1 and 2 would be around 12 lakhs, out of which a sum of Rs. 6 lakhs has already been paid by the appellant. Since the matter is *sub judice* before the competent court in execution proceedings and the parties have already entered appearance, it is expedient that necessary direction may be issued to the concerned Court to dispose of the same at the earliest.

9. The learned counsel for the respondent Nos. 1 and 2 has no serious objection to such submission which has been made by the learned counsel for the appellant. In view of such



submission made at the Bar, this Letters Patent Appeal is disposed of directing the learned Principal Judge, Family Court, Purnea to dispose of the execution case which arises out of the Maintenance Case No. 171 of 2007, at the earliest, preferably within a period of four weeks from the date of production/receipt of the certified copy of this order.

10. In view of such order passed by this Court today, the proceedings in M.J.C. petition stands closed.

(Sangam Kumar Sahoo, CJ)

(Mohit Kumar Shah, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.01.2026
Transmission Date	NA

