

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1346 of 2025

In
Miscellaneous Appeal No.772 of 2009

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Batul Kumar Verma S/O late Ish Chandra Narain Varma, R/O Village Bhagwanpur, P.S. Bhagwanpur, P.O. Bhagwanpur, District- Kaimur, at present residing at Chitragupta Nagar Siwan, P.S. Town, District- Siwan, as well as Bhagwanpur and retired from Sorting Assistant in R.M.S. C Division Gaya, District- Gaya.

... .. Petitioner/s

Versus

Kiran Devi W/O Batul Kumar Verma, D/O Sachidanand Sinha, at present residing at Flat No. 205 Maheshwari Kunz Apartment, Road No. 06, East Patel Nagar, P.S. Shastri Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kriti Kumari, Advocate

For the Opposite Party/s : Mr. Ranjan Kumar Sinha, Advocate

Mr. Dhanander Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 20-01-2026

Following is the relief sought for in the present contempt application:-



“1. That this application is being filed on behalf of the aforesaid petitioner for initiation of contempt proceeding against O.P. No. 01 who has knowingly violated/disobeyed the order of this Hon’ble High Court passed in M.A. No. 772/2009 dated 27/08/2010 by a division bench of this Hon’ble High Court”

2. Before coming to the merits of the case, it is necessary to mention some relevant facts that M.A. No. 772 of 2009 was disposed of *vide* order dated 27.08.2010 on the basis of a settlement arrived between both the parties, Para-10 of the said order records the same, which is reproduced hereinbelow:-

“10. Only for the sake of clarification the salient features of the agreement are summarized hereinbelow.

(i) The marriage between the parties shall be deemed to be subsisting.

(ii) Parties have agreed to live separately and not to interfere with each others private lives.

(iii) They have agreed not to pursue any civil or criminal case against each other.

(iv) The husband shall ensure that the competent authority of his Department, Railway Mail Service shall send every month to the wife 50% of his monthly salary after deducting only Rs. 6260/- per month which is presently being deducted till the scooter loan and such other loans are liquidated. It is also agreed that the deduction shall include any compulsory deduction on account of income tax over the salary income.”

3. Thereafter, O.P. No. 1 (wife of the petitioner) filed M.J.C. No. 1896 of 2021 arising out of M.A. No. 772 of 2009. The



said contempt application was disposed of *vide* order dated 30.11.2023. Following observations were made in Para-5 & Para-6 of the said order:-

“5. Learned counsel for the petitioner submitted that retired employee has not been paid pension on account of his attaining age of superannuation and retired from service in the month of June, 2023. This issue cannot be adjudicated in contempt of Court petition that apart it is a fresh cause of action to the employee or to the petitioner. Ordinary, the State-Central Government will not stop pension. If it is not paid the concerned authority is hereby directed to examine and redress the same in this regard. The employee is hereby directed to furnish a detailed representation in so far as fixation of retiral benefits and pension if such application or representation is submitted the concerned authority will examine and pass appropriate order within a reasonable period of time.

6. With the above observation, the present MJC stands dropped. The above grievance is required to be agitated by retired employee only.”

4. Subsequently, a second M.J.C. Case No. 180 of 2024 was filed seeking modification of sub para 4 of para No. 10 of the previous order dated 27.08.2010 passed in M.A. No. 772/2009. The said application was dismissed with the following observation:-

“2. Petitioner has sought for modification of the aforementioned paragraph on the score that petitioner has attained his age of superannuation and retired from service in the year 2023. The later development cannot be taken into



consideration for the purpose of rectification of the order passed in the year 2010. Accordingly, the present M.J.C. No. 180 of 2024 for rectification of the order stands dismissed.”

5. Thereafter, the wife of the petitioner filed C.W.J.C. No. 11992 of 2024, which was disposed of *vide* order dated 19.08.2024 with the following observation:-

“2. After some arguments, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

3. Accordingly, the present writ petition stands disposed off.”

6. In pursuance to the order dated 19.08.2024 passed in C.W.J.C. No. 11992 of 2024, O.P. No. 1 (wife of the petitioner) filed a Maintenance Case No. 334 of 2024 before the Family Court, Patna, seeking maintenance which is pending for adjudication.

7. In view of the above facts, this Court finds no reason to pass any order in the present contempt application. The appropriate remedy for the petitioner is to appear before the Family Court, Patna and raise all his grievances for adjudication in accordance with law.

8. Accordingly, the present contempt application stands disposed of.



9. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Ritesh Kumar, J)

Sachin/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.01.2026
Transmission Date	NA

