

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.409 of 2025

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Dhiraj Kumar Gupta S/o Sri Raj Kumar Gupta Resident of Mohalla- Shivpuri,
Behind A.N. College, P.O. and P.S.- Shastrinagar, Town and District- Patna,
Pin Code- 800023

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Gupta W/o Dhiraj Kumar Gupta, D/o Sri Awadh Kishore Gupta
Resident of Mohalla- Shivpuri, Behind A.N. College, P.O. and P.S.-
Shastrinagar, Town and District- Patna, Pin Code- 800023 Presently R/o
Mohalla- Bibiganj, Danapur, Cantt., Near Mahavir Asthan, P.O. and P.S.-
Danapur, Distt.- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Pranav Kumar, APP
For the O.P. No. 2	:	Mr. Ayushman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 30-06-2026

Heard learned counsels for the respective parties.

2. The instant revision petition has been filed against the order dated 31.01.2025 passed by the learned Additional Principal judge, Family Court, Patna in Maintenance Case No. 53(M) of 2019 whereby and whereunder, the learned Family Court ordered the petitioner to pay Rs. 10,000/- per month to the opposite party no. 2 towards maintenance of opposite party no. 2 and her two daughters.

3. Learned counsel for the petitioner submits that the order impugned has been passed in absence of the petitioner. The learned Family Court has not considered the fact that



petitioner is not having such income so as to make the payment of Rs. 10,000/- per month to the opposite party no.2 and her daughters. Moreover, the petitioner was not heard before passing the order. No document has been brought on record by the opposite party no. 2 showing the income of the petitioner. Learned counsel further submits that the learned Family Court has not exercised its discretion in judicial manner and the impugned order is defective and erroneous. Learned counsel also submits that though the petitioner is an MBA degree holder, he has been working as an Advocate Clerk and is not in a position to pay Rs. 10,000/- per month to his wife and the daughters as his income is meagre.

4. Learned counsel appearing on behalf of the opposite party no. 2 submits that the present revision petition is not maintainable for the reason that there is no illegality or irregularity in the impugned order. Learned counsel further submits that the petitioner wants to take advantage of his own wrong. The petitioner has appeared in the matter before the learned Additional Principal Judge, Family Court but has been avoiding the court proceeding and even his counsel did not appear to receive papers and the petitioner did not file any show-cause to the petition of the opposite party no. 2. This fact



is quite clear from perusal of impugned order. The petition was filed by the opposite party no. 2 on 25.11.2019 and the petitioner did not receive the copy of petition and did not file any affidavit of his assets and liabilities. So, the petitioner failed to take steps before the learned Family Court and now he wants to take advantage of his own wrong and has been claiming that the order has been passed *ex parte*. Learned counsel also submits that even on the date when the order was passed, *pairavi* was filed on behalf of the petitioner but none appeared on his behalf. Therefore, there is no illegality in the impugned order which is just and proper.

5. I have given my thoughtful consideration to the rival submission of the parties and perused the record.

6. From perusal of record, I find that on an application filed on 25.11.2019, the order has been passed only on 31.01.2025, which is quite unfortunate in a proceeding for maintenance. Whatever might be the contention of the petitioner, it is not correct that the order was passed *ex parte*. If attendance of the petitioner was filed, non appearance of petitioner or his counsel is the fault of the petitioner and he could not blame it on any other person, more so when the petitioner claims himself to be an Advocate Clerk who is



supposed to know the importance of the proceedings conducted before the Court. Therefore, there is no *ex parte* order as claimed by the learned counsel for the petitioner. If the petitioner failed to bring on record the affidavit of his assets and liabilities, again he cannot blame the Court for passing any order in absence of such affidavit. Admittedly, the petitioner and the opposite party no. 2 have two daughters and the petitioner is degree holder of MBA. Considering these facts and circumstances, the order for maintenance of Rs. 10,000/- per month to opposite party no. 2 and her two daughters cannot be said to be exorbitant or excessive.

7. In any case, I do not find any infirmity, illegality or impropriety in the impugned order dated 31.01.2025 and hence, the same is affirmed. Accordingly, finding no merit in the present revision petition, the same is dismissed.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2026
Transmission Date	02.07.2026

