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Court : Patna

Decided On : Jul-23-1999

Judge : Sudhir Kumar Katriar, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 125, 125(1) and 313

Appeal No. : Criminal Revn. No. 36 of 1994

Appellant : Baby Devi and ors.

Respondent : Arun Kumar Aman Alias Rameshwar Rahi Alias Rameshwar Prasad Mandal Alias Durga

Advocate for Def. : Basudeo Pandey and

Advocate for Pet/Ap. : Pramod Kumar Sinha and Madhukar Narayan Sinha, Adv.Damodar Prasad Tiwary, APP

Disposition : Petition allowed

Judgement :

Sudhir Kumar Katriar, J.

1. This criminal revision application is directed against the judgment dated 18-10-93, passed by Shri Vijay Kant Misrira, Judicial Magistrate, 1st Class, Munger, in Maintenance Case No. 17/90 (Baby Devi v. Arun Kumar Aman whereby the application of the petitioners herein under Section 125 of the Code of Criminal Procedure (hereinafter referred to as ' the Code'), has been rejected.

2. The petitioners had preferred the aforesaid application for maintenance in the capacity of wife and children from the opposite party. Petitioner No. 1 claims to be the wife of the opposite party and petitioner Nos. 2 and 3 to be their children. Petitioner No. 1 was married to the opposite party according to the Hindu rites in Baisakh, 1978, whereafter the couple have had two children, a daughter and a son, who are petitioner Nos. 2 and 3 respectively. After her marriage, she went to her Sasural at Village Bariarpur and also to her husband's place of posting who is employed in Railway workshop at Jamalpur and lived for a few months in house No. 690 of Daulatpur Railway Colony. She found that the opposite party was already married and, therefore, returned to the place of her parents. He had initially promised to provide her with expenses every month which continued for some time, the opposite party also used to visit her, but both discontinued after some time. Hence the application under Section 125 of the Code. At the time of institution of the present criminal revision application on 18-1-94, petitioner Nos. 2 and 3 are shewn to be minor and under the guardianship of petitioner No. 1. I am informed during course of oral arguments that petitioner No. 1 has recently died.

3. The opposite party filed his written statement before the Court below and opposed the application. He completely denied to have married petitioner No. 1 and equally disowned petitioner Nos. 2 and 3 as his children. On the contrary, he stated that he was married to one Sanjukta on 6-7-1973 and has two sons and a daughter. He has been allotted house No. 690 in Daulatpur Railway Colony of Jamalpur Workshop where he lives with his wife, Sanjukta and his three children. The petitioners in support of their case have examined the following six witnesses :-

1. Basudeo Mandal, AW 1, father of petitioner No. 1
2. Petitioner No. 1 herself, AW 2

3. Manoj Kumar Paswan, AW 3
4. RamRekha, AW 4
5. Sarju Mandal, AW 5, brother of petitioner No. 1
6. Ashok Kumar Sinha, AW 6.

They also brought documentary evidence on record. Exts. 1 to 48 are the letters exchanged between petitioner No. 1 and the opposite party, Ext. 49 and 50 are the passbooks of the opposite party of the Railway Co-operative Society Bank, Exts. 51 series are three Railway Passes issued in the name of opposite party, Exts. 52 to 56/1 are Vakalatnama, bail bond etc., executed by the opposite party in case No. 28M/87, Exts. 54 and 57 are sale deeds, whereby Most. Babli Devi (sister of petitioner No. 1) had alienated lands in favour of Saraju Mandal and petitioner No. 1, Exts. 58 and 58/1 is a certified copy of the judgment T. S. No. 40/24 of 1973/80 and Exts. 59 and 60 series are mutation papers and rent receipts, issued by the Jamalpur Municipality with respect to the house of petitioner No. 1 Exts. 1 to 9 are the coloured photographs of petitioner No. 1 and the opposite party in which both of them purportedly figure.

4. The opposite party has in all examined following six witnesses :-

1. Nakul Thakur, OPW 1
2. Shiv Kumar Paswan, OPW 2
3. Bhubaneshwar Yadav, OPW 3
4. Keshar Singh, OPW 4
5. Arun Kumar Aman, OPW 5, the opposite party himself.
6. Makeswar Prasad Singh, OPW 6

The opposite party has also brought on record certain documentary evidence which have been marked as exhibits. Exts. A and D are photocopies of the summons issued to the opposite party in case No. 27C11/87, Ext. B is certified

copy of the judgment in the said case No. 27CII/87 and Ext. C is the statement of petitioner No. 1 in a proceeding under Section 313 of the Code. All these documents have been marked exhibits with objection of the petitioners. Ext. E is the bail bond executed by petitioner No. 1 in the said case No. 27CII/87, Exts. F and G are the signatures of the District Judge, Munger, Ext. H is the horoscope in the handwriting of Jagdish Mandal, Ext. I is the family medical declaration of the opposite party, Ext. J is the handwriting and the signatures thereon, Ext. K is the application with stamps affixed thereupon to the police and Ext. Y is the family planning certificate.

5. After examining the materials on record and hearing the counsel for the parties, the learned Magistrate has rejected the application of the petitioners after recording the following findings :-

(i) There is no documentary evidence on record, either the marriage certificate, or photograph(s) of the marriage. The same are normally in the possession of the wife and not that of the husband.

(ii) The photographs on record do establish that petitioner No. 1 and the opposite party were mutually engaged in a love affair. However, not much reliance can be placed on the photographs, not having been proved properly for the reason that the negative of the same are not on record.

(iii) Ext. 57 has been disbelieved on the ground that petitioner No. 1 has been described as the daughter of Basudeo Mandal and thereafter her description as the wife of the opposite party seems to be a later insertion, being an after thought.

(iv) Ext. 55 is the duly executed Vakalatnama of petitioner No. 1, in the said Case No. 27CII/87, Ex. 56/1 is the bail bond executed by petitioner No. 1 in the same case - both the documents do not establish that petitioner No. 1 and the opposite party are husband and wife.

(v) There is no evidence on record to establish that the opposite party has any alias name. None of the documents relating to case No. 27CII/87 establish that petitioner No. 1 and the opposite party are husband and wife.

(vi) The opposite party and petitioner No. 1 were engaged in a mutual love affair since 1987 and not 1978, because the entire evidence produced by the petitioners in that behalf is of 1987 and thereafter. Their relationship came to light when they were arrested in case No. 27CII/87.

(vii) Petitioner No. 1 has not been able to establish that she was married to the opposite party, nor petitioner Nos. 2 and 3 are her children from the opposite party, because there is no evidence on record that they had physical relationship prior to 1987. Petitioner Nos. 2 and 3 are aged 10 and 14 years which is not possible in view of the finding that they got acquainted in 1987.

6. While assailing the validity of the impugned order, learned Counsel for the petitioners submitted that the trial Court has recorded perverse findings of fact and has taken me through the evidence on record to establish the same. Basudeo Mandal, AW1, is the father of petitioner No. 1. He states in his deposition that his daughter (petitioner No. 1), was married to Arun Kumar Aman (the opposite party), in Baishakh of 1978 at Deoghar in his presence, according to Hindu rites. One Sukhdeo Pandit had performed the marriage. After the marriage she had gone to her susural, Bariarpur, where she had lived for five to six months. She learnt there that the opposite party was already married and the first wife was not treating his daughter properly. Therefore, his son-in-law had brought his daughter to his place and he had left saying that he shall keep on sending expenses. The opposite party used to come to his sasural and his daughter and Arun Kumar Aman were living like husband and wife. Both of them gave birth to two children, a son and a daughter and are reading in R. B. School, a Government school. The daughter is aged 12 years and the son is aged 8 years. He further deposed that his son (Sarau Mandal, AW 5) and petitioner no. 1, i.e. brother and sister, had jointly purchased a house. The opposite party had paid the money invested by petitioner No. 1. He (AW 1) had also given a sum of Rs. 10,000/- to the daughter for this purpose. He has further deposed that for past some time the opposite party stopped maintaining the petitioners and are being maintained by him (AW 1). He further said that the opposite party is an employee in Railway Workshop and on the date of deposition was drawing Rs. 3000/- per month (as on 23-4-92). He clearly denied the suggestion that his daughter has been married to any other

person of the name of Rameshwar Rahi and asserts that Arun Kumar Aman and Rameshwar Rahi are one and the same person. He also deposed that Sukhdeo Jha, the Pandit who had performed the marriage, has not given any certificate in proof of the marriage. The deposition of AW 1 is remarkable for its consistency and accuracy and there is nothing in his cross-examination to discredit his evidence.

6.1 Petitioner No. 1 has also examined herself in support of her case as AW 1. She says in her deposition that the opposite party is also known by the names of Rameshwar Rahi and Durga and both had married in 1978 according to Hindu rites at Deoghar in presence of her father, her mother and her brother Saraju Mandal (AW 5). She makes a very significant statement, so natural in the circumstances, that the opposite party was alone on the bridegroom's side. After her marriage, she went to her sasural with her husband where she lived for a few months and where she learnt that the opposite party was already married. On being question by her, he had replied that, ^vc tks gks pqdk lks gks pqdk] D;k djksxh** There was a quarrel between the couple on the question and their living together at Jamalpur upon which he said that, ^pyks rqEgkjs ek&cki ds ikI igwWpk nsrs

gSa] [kpkZ ojpk ge nsaxs A** He had reached her to her father's place and he used to go there to be with her. While at Bariarpur, the couple were living as husband and wife. During his visits to her father's place, they used to live together as husband and wife. The couple have had two children. He used to give money for expenses which he has stopped for some time. She makes a significant statement that the opposite party used to visit her place before her marriage because he and her brother were friends. During his visits, they developed a love affair between themselves. The couple used to exchange letters, which are marked Exhibits 1 to 48. They had gone on sight-seeing to Delhi, Calcutta, Bhagalpur etc. The opposite party-had given to petitioner no. 1RBD passbookas well as Railway Savings Bank Passbook which are in,his possession and marked exhibits 49 and 50. She has also proved railway pass in the name of her husband which are marked Ext. 51 series, the railway tickets marked Ext. Z series and also a letter from the Railways to the opposite party marked Ext. W. She has also

proved nine photographs in which they figure together. She also proved some other documents. She also deposed that the police had once arrested the couple and they were ultimately released on bail. The bail bond is marked Ext. 52 and the other bail bond executed by the opposite party marked Ext. 53. She also states about purchase of a house for a consideration of Rs. 40,000/-. Rs. 20,000/- was contributed by the opposite party and Rs. 10,000/- each by her father (PW 1) and brother (PW 5). She asserts that the document marked Ext. 54 records the opposite party as her husband. She states that she is being maintained by her father who has also died and it has become quite difficult to meet the expenses. She also states that she often times used to go to her husband's flat in Railway Colony and used to live there. She says during course of her cross-examination (paragraph 27) that there is a permanent writing (Gonda) on her arm which reads. The opposite party has not been able to elicit any statement during her long cross-examination which can discredit her testimony which is consistent and natural.

6.2 Manoj Kumar Aman, AW 3, appears to be a family friend of the petitioners as well as the opposite party and his deposition is also quite consistent and on the same lines as those of AW 1 and AW 2.

6.3 Ram Rekha, AW 4, is lawyer's clerk and is a witness to the various court cases which he had attended on behalf of the petitioners including registration of the sale deed and the criminal case in which the couple were implicated, etc.

6.4 Ashok Kumar Singh, AW 6, is a scribe and talks of the aforesaid registered sale deed.

6.5 Saraju Mandal, AW 5, is the full brother of petitioner No. 1. He states that petitioner No. 1 now lives in her own house. She was married to the opposite party in 1978 at Deoghar which was attended by himself, his father, his mother and his friends, Mahendra Mandal and Ashok. The marriage was performed by Sukhdeo Mishra, a local Pundit, according to Hindu rites. After the marriage, his sister had gone to Bariarpur, her sasural, where she lived for some time and learnt that the opposite party was already married and had children. The opposite party had deposited his sister at her Naihar because of difficulty in continuing with his first wife. He had promised to give her expenses. The opposite party used to go to her

sasural regularly and the couple used to live like husband and wife and have two children. He has deposed on just same lines as AW 1 and AW 2 regarding purchase of the house. He also speaks of the alias names of the opposite party. He denied that her (his) sister was married to one Rameshwar Rahi, a different person of Khagaria. He also talks of the criminal case which was registered as case No. 27CII/87. He states in his cross-examination (paragraph 19), that he knows the opposite party for twenty years and both used to go to the railway cinema at Jamalpur. This led to more friendship and exchange of visits to their respective residences. He very frankly speaks in his cross-examination (paragraph 21), that he cannot give any documentary proof of marriage between the couple. It must be stated that the deposition of Saraju Mandal (AW 5), is remarkable for its consistency and the opposite party in the lengthy and irrelevant cross-examination has not been able to elicit any contradiction.

7. As stated above, the opposite party has examined six witnesses in support of his case. Nakul Thakur, OPW 1, is a railway employee, a colleague of the opposite party and a neighbour in the railway colony. He says that Sanjukta Devi is the wife of the opposite party. They are neighbours for six years and has also gone to Bariarpur once. He had never seen any woman other than Sanjukta in the house of the opposite party. They were married in 1973 and have three children. He very frankly states in his cross-examination that he does not know much about the affairs of the opposite party, nor he is much aware of his movements. He came to know of the present marriage about ten days prior to his deposition when the opposite party gave him the details of the case. He does not know about any other case of the opposite party. He completely denied his knowledge of the incident that the opposite party and petitioner No. 1 were caught sleeping together on 24-7-87 leading to the aforesaid criminal case. He says that he was not aware of the marriage between petitioner No. 1 and the opposite party and in the same vein clearly says that he is not aware of the details of the activities or movements of the opposite party.

7.1 Shiv Kumar Paswan, OPW 2, is also a railway employee and a neighbour of the opposite party. He knows the opposite party since 1985. Aman's wife is Sanjukta Devi. He states that he has not seen any lady other than Sanjukta in the

house of the opposite party and says that he has never seen any woman of the name of Baby living there. He says that he is not aware of the activities of the opposite party nor his movements. He is not aware of the visitors to the residence of the opposite party. He keeps on meeting the opposite party in the workshop and denied that Baby is his wife. He is a neighbour of the opposite party and gives the impression of being a tutored witness.

7.2 Bhubaneshwar Yadav is OPW 3 and a railway employee. He knows the opposite party as the son-in-law of his friend. The first father-in-law of the opposite party and the witness used to work together in the railway factory and had attended Sanjukta's marriage. He said that the opposite party is a resident of village Bariarpur and lives with his wife, Sanjukta, in his Daulatpur Railway Colony. He claims to have visited both Bariarpur as well as Daulatpur Colony. He says that he has not seen any other woman as the wife of the opposite party. He used to visit the place of the opposite party on festive occasions or when invited. He is not aware of the details of the inside affairs of the opposite party. He also gives the impression of being a tutored witness.

7.3 Keshar Singh is OPW 4. He is outgoing Ward Commissioner of Jamalpur Municipality. He knows Baby Devi as well as Babli Devi who are sisters and are the daughters of Basudeo Mandal. Basudeo Mandal died three-four months ago. He says that petitioner No. 1 was married at Khagaria about 17 to 18 years ago. She has a daughter and a son. The marriage was performed in Gayatri Mandi in Jamalpur in July, 1973. The name of her husband was Narayan Mandal who died 14 to 15 years ago. He says that petitioner No. 1 has never been the wife of the opposite party. He says that he had received an application (Ext. G), wherein complaint was made against petitioner No. 1 that she was engaged in flesh trade. He does not state in spite of being asked during cross-examination as to what action was taken on the aforesaid application against petitioner No. 1. It is obvious that he is a tutored witness.

7.4 OPW 5 is the opposite party himself. He says that he was married to Sanjukta on 7-7-1973. He gives documentary evidence about his marriage with Sanjukta. He says that he had started working in the Jamalpur Workshop on 14-2-74 and

was allotted a quarter in 1985. He says that on 4-4-90, while returning from office, he had dropped his purse which contained his passbook, official papers, identity card, the privilege pass etc. His wife Sanjukta has undergone family planning operation in the Railway Hospital, Jamalpur on 28-1-83. He admits that he was implicated in a case bearing No. 27C 11/87 and further admits that he along with Baby Devi, her mother, Suhago Devi and her elder sister, Babli Devi and Babli's daughter, Usha Devi, Babli's brother, Ashok Mandal and a Muslim boy were accused persons. He further says that petitioner No. 1 had stated in this case that Rameshwar Mandal alias Rameshwar Rahi was her husband. He says that he is being back-mailed by petitioner No. 1. He says that he used to be called by the name of 'Durga' during his boyhood days. He never had the name of Rameshwar Rahi alias Rameshwar Mandal. He denies to have been married to petitioner No. 1 in the Baishakh of 1978 at Deoghar. He denies to be a friend of the brother of petitioner No. 1. He further says that he never had the slightest connection whatsoever with her, nor have had any children from her. The two had never any social or physical relationship. He further says that he never had any automatic camera nor does he know to take snapshots. He denies to have written the letters marked Exts. 1 to 48, nor had he ever gone with petitioner No. 1 to places like Delhi, Bhagalpur, Patna, or anywhere else. The two had never any photographs taken together. He denies to have given Rs. 20,000/- to petitioner No. 1 for purchase of the house. He in his further cross-examination says that he met petitioner No. 1 for the first time in August, 1987, in Jamalpur Police Station in connection with case No. 27C11/87. He says that he never thereafter met petitioner No. 1.

7.5 Mukteshwar Prasad Singh, OPW 6, is a lawyer. He had conducted the aforesaid case No. 27C 11/87. He does not seem to be a competent witness on the issue in question.

8. On a careful analysis of the oral as well as the documentary evidence, I am convinced that the findings of facts recorded by the Court below are perverse. Basudeo Mandal (AW 1), petitioner No. 1 herself (AW 2), Manoj Kumar Paswan (AW 3) and Saraju Mandal (AW 5), have very consistently and without any variation clearly deposed that petitioner No. 1 was married to the opposite party in

the Baishakh of 1978 at Deoghar. The marriage was performed according to Hindu rites after observance of 'Saptapadi' and was performed by one Sukhdeo Jha, a local Pundit. AW 2 and AW 5 have further deposed that the opposite party was a friend of Saraju Mandal (AW 5) and, therefore, he (opposite party) used to visit their place quite often and in course of which they had developed a love affair. This clearly explains the evidence of AW 2 that the opposite party was alone present on the side of the bridegroom. This also lends weight to the consistent evidence of all the AWs that she got enraged in her sasural after she found that the opposite party was already married and had, therefore, to return to her parents's place. The lover affair and/or the marriage is clearly evident by the letters between the couple marked Exts. 1 to 48 and the intimate photographs marked Ext. 57 series. Some of the photographs are coloured ones and she has applied vermilion powder on the parting of her hairs characteristic of a married woman in Bihar. Their marriage is further evidenced by the registered deed of absolute sale marked Ext. 57. I completely disagree with the criticism of the Court below that petitioner No. 1 is described first as the daughter of Basudeo Mandal and then as the wife of the opposite party. The trial Court has wrongly discarded it as a valid piece of evidence on the ground that the name of opposite party No. 1 seems to have been inserted between two lines in the registered deed of absolute sale (Ext. 2). I have myself perused the exhibit and come to the conclusion without hesitation that it does not create any suspicion. All the four AWs have consistently deposed about purchase of the house for petitioner No. 1. This also appears to be very natural in the circumstances because the opposite party must be wanting to be loyal to his worried love affair, his feeling of guilt regarding his torrid marriage and his desire to be in the company of petitioner No. 1. All the four AWs have consistently deposed that after petitioner No. 1 returned to her parents' place after her marriage, the opposite party used to visit her regularly and lived like husband and wife in his sasural and continued to provide the expenses until March, 1990.

(i) Three witnesses of the opposite party, namely, Nakul Thakur (OPW 1), Sheo Kumar Paswan (OPW 2) and Bhubaneshwar Yadav (OPW 3), are friends and neighbours, and/or family friends of the opposite party and are railway employees. It is obvious from a plain reading of their depositions that they are tutored witnesses and have come to depose at the behest of the opposite party in an effort

to bail him out. All of them are aware of the first marriage of the opposite party which is the case of the petitioners also, but none of them are aware of the details of the affairs of the opposite party or his movements. They have in a parrot-like manner, without any conviction and knowledge about the personal life and internal affairs of the opposite party, denied the marriage of petitioner No. 1, with the opposite party. They are obviously tutored witnesses who deposed to bail out the opposite party. The long deposition of the opposite party (OPW 5) does not inspire confidence. He denies even the letters exchanged between the couple and also denies the photographs on record in which the couple clearly figure. He obviously speaks a blatant lie that he had dropped his purse containing certain documents to nullify the evidence of PW 2 about her possession of those documents which are exhibits on her behalf. The euphoria of sex seems to have died down, the financial burden seems to have become very pressing and the additional burden of maintaining a second household seems to have become quite nagging and burdensome. I, therefore, reject his evidence as wholly untrustworthy. In such circumstances, I very clearly reach the conclusion that petitioner No. 1 and the opposite party were married in the Baishakh of 1978 at Deoghar according to Hindu rites, gave birth to two children who are petitioner Nos. 2 and 3 herein.

9. This takes me on to another equally important aspect of the matter. It is equally manifest from the evidence of AWs that the opposite party was already married from before and his marriage to petitioner No. 1 took place later on, being his second marriage while the first wife was still alive. This does not need a detailed scrutiny of the evidence because the AWs themselves admit this position and, in fact, was the reason for her retreat to her parents' place. All the OPWs also state about the first marriage of the opposite party to Sanjukta who have children. In such circumstances, I have no hesitation in holding that the marriage of petitioner No. 1 with the opposite party is not a valid marriage, being his second marriage.

10. On the question of quantum of maintenance, Section 125 says that a person having sufficient means neglects or refuses to maintain his wife or children can be called upon to pay maintenance to them. All the witnesses on both the sides have stated that the opposite party is engaged in a good job in the railway workshop at Jamalpur, All the AWS have stated that he was then drawing salary of Rs. 3000/-

per month. Therefore, the opposite party has surely sufficient means to maintain the petitioners. As has been found hereinabove, he has failed to maintain the petitioners. In view of the findings hereinabove that petitioner No. 1 is the second wife of the opposite party while the first one is still alive, I hereby declare for the purpose of the present application that petitioner No. 1 is not entitled to maintenance within the meaning of Section 125 of the Act. Section 125(1)(b) lays down that the father is bound to maintain his legitimate or illegitimate minor children whether married or not and unable to maintain themselves. It is undoubtedly clear that petitioner Nos. 2 and 3 are unable to maintain themselves. As to their age, PW 1 stated in his deposition recorded on 22-2-92 that ^bu nksuks dk mez ckjg A yMdh dk A vkSj vkB

yMds dk A o"kZ gS** A Therefore, petitioner No. 2 has attained majority on completion of 18 years of age in February, 1998 and petitioner No. 3 would attain majority in February, 2002. Petitioner No. 2. is thus entitled to maintenance from June, 1990 to February, 1998 and petitionerNo. 3fromJune, 1990 to February, 2002. In such circumstances, I order and direct that the opposite party shall pay to petitioner Nos. 2 and 3 a sum of Rs. 500/- (five hundred) each per month for the aforesaid periods, the application under Section 125, Cr.P.C. having been filed on 16-6-90. Learned counsel for the parties informed the Court during course of oral arguments that petitioner No. 1 has recently died. In such circumstances, I direct the Chief Works Manager, Jamalpur Workshop, Eastern Railway, Jamalpur, to realise the aforesaid sum from the salary and other dues of the opposite party, which shall be deposited in a Savings Bank Account to be opened in the name of petitioner No. 2 (Sanjana Kumari) in a nationalised Bank at place and Branch of her choice. It will be the responsibility of the Chief Works Manager to deduct and deposit in the aforesaid Bank Account the arrears as well as the amount payable in future, apart from the interest and costs ordered for hereinbelow. This arrangement will terminate in March, 2002.1 further order and direct the Chief Works Manager to start a departmental proceeding against Arun Kumar Aman, the opposite party herein, in accordance with the Rules for engaging himself in bigamy. It will be open to the Chief Works Manager to move this Court for clarification of this order or for further directions from time to time.

11. The Chief Works Manager has been impleaded as an intervenor opposite party. Petitioner No. 3 has been placed under the guardianship of petitioner No. 2 for purposes of the present application, after expunging the name of petitioner No.1. Let a copy of this judgment be handed over to Mr. Gautam Bose, Advocate, who usually appears for the Eastern Railways, to be forwarded to the intervenor opposite party for the needful.

12. In the result, this revision application is allowed. The impugned order dated 18-10-93, passed by the learned Judicial Magistrate, in Maintenance case No. 17/90, is hereby set aside. This application is allowed with interest and costs quantified at Rs. 30,000/- (Thirty thousand) to be recovered by the Chief Works Manager from the salary and other dues of the opposite party and will form part of the aforesaid corpus, half each to petitioner Nos. 2 and 3.

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