

Dharmendra Prasad Vs. the State of Bihar and anr

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Court : Patna

Decided On : May-24-2012

Appellant : Dharmendra Prasad

Respondent : The State of Bihar and anr

Advocate for Pet/Ap. : Mr. Kumar Alok

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Revision No.109 of 2012 Dharmendra Prasad S/O Sri Raghunath Mahto resident of Bibiganj, Danapur Bhatthapar, P.S. Danapur, District- Patna. Versus 1. The State of Bihar 2. Tanu Kumari D/O Sri Dharmendra Prasad resident of Village Bibiganj, Danapur Bhatthapar, P.S. Danapur, District- Patna (Minor under guardianship of her Nani) Urmila Devi, W/O Sri Sidhyanath Prasad resident of Village- Nausha Nawada, Bichla Tola, P.S. Phulwari Sharif, District- Patna. ----- 2. 24.01.2012 Mr. Kumar Alok, learned counsel for the petitioner and learned A.P.P. for the State are present. This application has been filed for quashing the order dated 24.11.2010 passed by the Additional Principal Judge, Family Court, Patna in Maintenance Case No. 177 (M) of 2006 by which ad-interim maintenance of Rs. 2,000/- per month has been fixed in favour of opposite party no. 2 who is the minor daughter of the petitioner. Learned counsel submits that the order has been passed without considering any of the points raised on behalf of the petitioner with regard to arriving at the figure of ad- interim maintenance. Learned counsel submits that without the Court being satisfied as to what was the capacity of the

petitioner the order to pay any amount is arbitrary and without any basis. Learned counsel goes to the extent of submitting that in fact the opposite party no. 2, who is minor daughter, has been unlawfully taken away from his custody by the 2 maternal grandmother of opposite party no. 2 and that he is ready to keep the daughter as he is also keeping his minor son with him without any complain. In view of the fact that the order is for ad-interim maintenance and the case is still to be decided, this Court deems it appropriately to dispose off the case with a direction to the Family Court, Patna where the Maintenance Case No. 177 (M) of 2006 is pending to expedite the proceedings and conclude the same by passing a final order within a maximum period of two months from the date of receipt/production of a copy of this order before the Court concerned. It goes without saying that all the points and issues raised by the petitioner shall be considered by the Court concerned without being prejudiced by the fact that this Court did not interfere with the order fixing ad-interim maintenance. In view of the order being passed this Court does not deem it necessary to pass any order on I.A. No. 175 of 2012 which was filed for condonation of delay in filing of the present application. This revision application accordingly stands disposed off. (Ahsanuddin Amanullah, J.) Anand Kr.

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