

**IN THE COURT OF PRINCIPAL JUDGE FAMILY COURT,
MUNGER**

MAINTENANCE (CR.) CASE NO. 23 OF 2026

Munni Lal Sah & others Vrs. Rajeev Kumar Sah & others

In the matter of :

1. Muni Lal Sah, Son of Late Shibu Sah, Aged about 60 years, Resident of village + post Lohachi, P.S. Shampur, District Munger. (father of respondents)

2. Kanju Devi, Wife of Muni Lal Sah, Aged about 60 years, Resident of village + post Lohachi, P.S. Shampur, District Munger. (mother of respondents)

..... Petitioners.

1. Rajeev Kumar Sah, Son of Muni Lal Sah, presently residing at Room no. 9, Rohini Building, Anushakti Awasan Salt Lake, Sector 1, Kolkata, Pin 700064.

2. Manish Raj, Son of Muni Lal Sah, presently residing at Railway Quarter no. D. S. 1, 105, Railway Colony, Balidih, District Bokaro (Jharkhand)

..... Respondents.

Present :- Sri Arvind Kumar Sharma, Principal Judge, Family Court, Munger.

Date of order :- 28.04.2026

ORDER

Petitioner no. 02 filed her attendance. An amendment petition has been filed on behalf of the petitioner prayed therein to amend address of

respondents.

Perused the case record. On perusal of case record it appears that, both the petitioners, being parents of the respondents, have filed the present petition under Section 144 of the BNSS, 2023 seeking maintenance from their sons. The matter is fixed for admission. Earlier, petitioners have been given time to argue on the point of jurisdiction of this Court to entertain this case.

Case called out. Learned counsel for the petitioner with petitioner no. 02 herself appeared before the Court. Heard them on the point of admission.

From the perusal of the petition, it also appears that at present Respondent No. 1 resides at Kolkata and Respondent No. 2 resides at Bokaro. Neither of the respondents resides within the territorial jurisdiction of this Court.

- ***Section 125(1), Code of Criminal Procedure, 1973 (CrPC)***: Provides that maintenance proceedings may be initiated where the person against whom maintenance is claimed resides, or where the claimant resides.

- ***Section 144, BNSS, 2023: Corresponds to Section 125 CrPC***, extending the right of parents to claim maintenance from their children.

- ***Section 177, CrPC / Section 219 BNSS: General rule of jurisdiction*** — every offense or proceeding shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed or where the respondent resides.

In ***[Vijay Kumar Prasad Vrs. State of Bihar AIR 2004 SC 2123]***: The Hon'ble Supreme Court of India clarified that in case of parents, The benefit given to the wife and the children to initiate proceedings at the place where they reside is not given to the parents. Unlike clause (b) and (c) of section 126 (1) of Cr.P.C., an application by the father or the mother claiming maintenance, has to be filed where the person from whom maintenance is

claimed lives.

Having heard the counsel for the petitioners and upon perusal of the records and relevant provisions of law, it is evident that both respondents reside outside the territorial jurisdiction of this Court. Accordingly, this Court lacks jurisdiction to entertain, try, and decide the present petition.

In view of the above discussion and settled legal position, The petition is not maintainable before this Court for want of territorial jurisdiction.

The petition is returned to the petitioners with liberty to file the same before the appropriate court having territorial jurisdiction, i.e., the court within whose jurisdiction the respondents reside.

Dictated,

(ARVIND KUMAR SHARMA)
Principal Judge
Family Court, Munger
28.04.2026