

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.168 of 2011

Arising Out of PS.Case No. -null Year- null Thana -null District- -

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1. Sushila Devi, wife of Shri Gopal Kumar, resident of village- Chainpura, Police Station- Parasbigaha, District- Jehanabad, at present residing at C/O Mohan Prasad Singh, Shri Ram Medical Court Area, Jehanabad, Mohalla- Horilganj, Police Station and District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Gopal Kumar, son of Shri Manik Sharma @ Manki Sharma, resident of village- Chainpura, Police Station- Parasbigaha, District- Jehanabad, at present posted 64835-14M-Young K.K.-Gopal Kumar, 539 ASC-BN, Pin- 905539 C/O 56 APO

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Laxmi Kant Sharma, Advocate

For the Respondent/s : APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-02-2015

1. This revision application is preferred against the order dated 05.10.2010 passed in Misc. Case No. 02 of 2010 by the Principal Judge, Family Court, Jehanabad, by which he has refused to enhance the amount of maintenance from ₹two thousand to ₹seven thousand.

2. The Petitioner submits that Lok Adalat had fixed a sum of ₹eight hundred per month to be granted to the Petitioner which was subsequently enhanced by the Family Court by order dated 22.08.2008 to the sum of ₹two thousand. The Petitioner thereafter was unable to meet her expenses and then filed an application under Section 127 Cr. P.C. for further enhancement which was refused as mentioned above.

3. The submission of the Petitioner is the Opposite Party No.2 is employed in the Indian Army and got around ₹20-25 thousand. He has built up a house recently for his second wife where she is residing with her children. He also gets ₹two thousand as rent from the said house. It has been submitted that it is impossible for the Petitioner to maintain herself in pittance of ₹two thousand on account of galloping price index.

4. Notice had been issued to the Opposite Party No.2, but in spite of service of notice he has chosen not to appear before this Court.

5. Considering the facts and circumstances of the case, I would be inclined to hold that a sum of ₹two thousand should be enhanced to a sum of ₹five thousand per month with immediate effect.

6. The Court below shall take all necessary steps for ensuring that the Opposite Party No.2 pays regularly a sum of ₹five thousand from henceforth, failing which strict action shall be taken against him.

7. The application stands disposed off with the aforesaid observation.

(Anjana Prakash, J)

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