

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.620 of 2014

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Mukesh Kumar Yadav, son of Rajeshwar Prasad Yadav,
Resident of village- Jasat, P.S.- Dhamoul, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kavita Devi, wife of Mukesh Kumar Yadav, Resident of
village- Jasat, P.S.- Dhamoul, District- Nawada, at present
resident of village- Daulatpur, P.S. Jamui, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh

For the Respondent/s : Mr. Arun Kumar (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 07-12-2016 Heard the parties.

The petitioner is the husband of opposite party
No. 2. He is aggrieved by an order, dated 21.06.2014,
passed by the learned Principal Judge, Family Court, Jamui,
in Maintenance Case No 99M of 2012, whereby, he has
allowed maintenance allowance of a sum of Rs. 2,500/- per
month, payable by the petitioner, to opposite party No. 2, in
exercise of power under Section 125 Code of Criminal
Procedure, 1973.



Learned counsel for the petitioner has submitted that the petitioner is ready to keep opposite party No. 2 with full love and dignity and proper care. He has also submitted that the petitioner has, in fact, filed an application for restitution of conjugal rights *vide* Matrimonial Case No. 164 of 2013. It has also been submitted by him that petitioner is not in a position to pay a sum of Rs. 2,500/- per month to the applicant, considering his poor background.

However, considering the amount of maintenance granted by the learned court below, I do not find it to be excessive particularly when opposite party No. 2 has no other source of income.

I do not find any merit in this application. This application is, accordingly, dismissed.

It is observed that the petitioner may make attempts for restoration of matrimonial relationship and if the same is restored, the petitioner will have liberty to apply for modification of the order before this Court.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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