

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.674 of 2014

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

- =====
1. Tabasum Ara Wife of Md. Amir Ansari daughter of Md. Jamaluddin Ansari
 2. Shabana Akhtar Son of Md. Amir Ansari under guardianship of Tabasum Ara Resident of Mohalla - Diliyan, P.O- & P.S - Dehri - on - Son and District - Rohtas at present Muhallah - Imalitar ward number Purani Shahar, P.O & P.S - Daudnagar and Distt- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Amir Ansari (Minu) Son of Md. Iliyas Ansari @ Iliyas Mistry Resident of Mohalla - New Diliyan P.O. & P.S - Dehri - on - son and District - Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Respondent/s : Mr. Dilip Kumar, A.P.P.

For Opp. Party No. 2 : Mr. Avanish Kumar Singh.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 21-12-2016

Petitioner no. 1 is wife of Opposite Party No. 2 and petitioner no. 2 is his minor son. By an order dated 12.06.2014 passed by the learned Principal Judge, Family Court, Aurangabad in a proceeding under section 125 of the Code of Criminal Procedure has allowed payment of a sum of Rs.4000/- per month as final maintenance in favour of the petitioners.

2. The petitioners have challenged the said order on the ground that the maintenance so awarded is too small, if compared with the earning of Opposite Party No. 2 who is a regular employee



serving in the Indian Railways.

3. From the impugned order it can be noticed that Opposite Party No. 2 himself accepted in the proceeding before the court below that his monthly salary was somewhere between 15000 and 16000. It further appears that the learned Principal Judge while awarding the said maintenance amount has considered the liability of Opposite Party No. 2 towards his larger family and towards his second wife.

4. There is no material to show that opposite party no. 2 has married another lady. The consideration, while deciding the quantum of maintenance amount, at least to this effect is erroneous.

5. I am convinced with the submission advanced on behalf of the petitioners that the amount of Rs. 4000/- per month for the maintenance of petitioner no. 1 and her minor son, petitioner no. 2, is not adequate and some higher amount ought to have been awarded by the court below after having taken into account the income of opposite party no. 2.

6. In my view it will sub serve the interest of justice, if the said amount of Rs.4000/- is enhanced to Rs.6000/- per month for maintenance of petitioner nos. 1 and 2. Accordingly, this application is allowed. The impugned order dated 12.06.2014 is modified by enhancing the amount of Rs.4000/- to Rs.6000/- per month payable to



the petitioners by opposite party no. 2.

7. This revision application stands disposed of. It goes without saying that the petitioners shall have liberty to apply for enhancement of maintenance amount by making proper application in accordance with law in future.

(Chakradhari Sharan Singh, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

