

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.575 of 2016

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1. Arvind Kumar S/o Ramlal Singh Resident of Village- Ladaura, PS
Kalyanpur District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi Wife of Arvind Kumar Resident of Village :Ladaura, PS
Kalyanpur, district Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Tiwari

For the Respondent/s : Mr. M.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 31-01-2017 The present revision application has been listed under the heading "Orders" with office notes pointing out certain defects. However, with the consent of the learned counsel for the petitioner, this application is being disposed of at this stage itself, ignoring the said defects.

2. An order dated 29.02.2016 passed in Maintenance case No. 45 of 2005 by the learned Principal Judge, Family Court, Samastipur is under challenge, whereby he has allowed monthly maintenance allowance under Section 125 of the Code of Criminal Procedure, 1973 to Opposite party No.2 at the rate of Rs. 3,000/- from 01.01.2006 till October 2012 and after October 2012, Rs.4,000/- per month. The said amount is payable by 10th day of each month.

3. Learned counsel for the petitioner, assailing the



impugned order has submitted that the Court below has failed to appreciate that petitioner is a lowly paid employee working in Hotel at Delhi and has allowed maintenance allowance, which is excessive in the facts and circumstances of the case.

4. I have perused the impugned order. Learned Court below upon consideration of the entire materials on record including the evidence adduced has arrived at a conclusion that in no circumstance income of the petitioner can be said to be less than Rs. 30,000/- (thirty thousand).

5. From the impugned order, I find that the Court below has noticed the conduct of the Opposite party No.2 in the proceeding before the Court below, which cannot be approved by any Court. It also transpires that the petitioner has maintained a callous attitude throughout the litigation.

6. In any event, the amount of Rs. 4,000/- per month, which has been directed to be paid cannot be said to be excessive considering the finding that income of the petitioner cannot be less than Rs. 30,000/- (thirty thousand).

7. The order does not require any interference.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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