

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.846 of 2014

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Shiv Shankar Prasad @ Sheo Shankar Prasad, S/o Late Chotan Lal, R/o Mohalla-
East Indira Nagar, P.S.- Patrakar Nagar, P.O.- Lohiya Nagar, District- Patna, A/P -
Motor Industries Comp. Ltd. 601, Kashi Palace, Dakbanglow Road, P.S.- Kotwali,
Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Sunita Devi, W/o Shiv Shankar Prasad, D/o Late Shiv Narain Mistri, R/o
Mohalla- East Indira Nagar, P.S.- Patrakar Nagar, P.O.- Lohiya Nagar, Distt.-
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Adv.

For the Respondent/s : Mrs. Pronoti Singh, APP

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

ORAL JUDGMENT & ORDER

Date: 09-02-2017

Heard the parties.

2. The petitioner is admittedly the husband of opposite
party No. 2. Opposite party No. 2 is his first wife.

3. The petitioner is aggrieved by an order, dated
02.07.2014, passed by learned Additional Principal Judge, Family
Court, Patna in Maintenance Case No. 65(m) of 2008, whereby, the
Court has directed the petitioner to pay a sum of Rs. 5,000/- to



opposite party No. 2 for her monthly maintenance. The court below has further directed to pay a lump-sum amount of Rs. 6,000/- to opposite party No. 2 towards litigation within one month.

4. Learned counsel for the petitioner, while assailing the impugned order, has submitted that the opposite party No. 2 is residing in the house owned by the mother of the petitioner and the petitioner has been thrown out from the said house. According to him, quantum of monthly maintenance allowance, as granted by the court below, is excessive and needs to be modified.

5. I have perused the impugned order from which I find that the court below, on the basis of evidence adduced at the trial, arrived at a conclusion that the petitioner is leading conjugal life with another woman after solemnizing marriage with her and he has neglected to maintain opposite party No. 2. It further appears that the court below found the monthly income of the petitioner to be Rs. 30,000/- and accordingly allowed a sum of Rs. 5,000/- as maintenance allowance.

6. Learned counsel for the petitioner has submitted that monthly rent of the house, where opposite party No. 2 is residing, is also being collected by opposite party No. 2.

7. Be that as it may, since it is admitted fact that the petitioner has neglected opposite party No. 2 and is living with



another lady, coupled with the fact that he has sufficient source of income, his earnings being Rs. 30,000/- a month, quantum of Rs. 5,000/-, as monthly maintenance allowance to opposite party No. 2, cannot be said to be excessive or unreasonable.

8. This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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