

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1009 of 2014

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1. Ranjan Kumar Shrivastava Son of Shri Ramashankar Lal resident of village - Mushafir Ganj, P.O. and Police Station - Buxar, District - Buxar.

.... Petitioner

Versus

1. Mamta Kumari, Wife of Ranjan Kumar Shrivastava, and daughter of Bageshwari Prasad Sinha

2. Rashmi Kumari, daughter of Ranjan Kumar Shrivastav

3. Babua, Minor son of Ranjan Kumar Shrivastav,

2 and 3 are under the guardianship of their mother.

1 to 3 are resident of village Panday Patti, P.O. and P.S. Buxar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Respondent/s : Mr.

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

3 09-03-2017

Heard learned Counsel for the petitioner.

There is no doubt about the fact that the petitioner is the husband of Opposite Party No. 1 and father of Opposite Party Nos. 2 and 3.

By an order, dated 27.06.2014, passed under Section 125 of the Code of Criminal Procedure, 1973, monthly maintenance allowance at the rate of Rs. 2,000/- in favour of Opposite Party No. 1 and Rs. 1,000/- each in favour of Opposite Party Nos. 2 and 3, has been allowed by the learned Principal Judge, Family Court, Buxar, in Maintenance Case No. 34 (M) of 2005.

Learned Counsel appearing on behalf of the petitioner has submitted that the petitioner is a poor



person and is not in a position to pay so much of amount. He has also submitted that as on today, the petitioner is unemployed.

This has, however, not been disputed that the petitioner is a hale and hearty young man of 40 years of age. In such circumstance, direction for payment of a total amount of Rs. 4,000/- per month for maintenance of his wife and two children cannot be said to be on the higher side by any stretch of imagination.

Learned Counsel for the petitioner has submitted that Opposite Party No. 1 is herself earning.

Be that as it may, in the facts and circumstances of the case, I do not find any reason to interfere with the impugned order, dated 27.06.2014.

It goes without saying that the opposite parties shall have liberty to apply for enhancement of the maintenance allowance by invoking Section 127 of the Code of Criminal Procedure, 1973.

This application is dismissed with the observation, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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