

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.172 of 2017

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1. Quadir Hussain S/o Abdul Jalil, Resident of Village-Chintamanpur, P.S. and District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rukhsana Parween, w/o Quadir Hussain, Resident of village Karneji, Vaishali (Belsar O.P.), District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal, Adv

For the Respondent/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 03-03-2017

The petitioner is admittedly husband of Opposite Party No. 2. They have two children. By order dated 28.11.2016, the learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No 07 of 2008, has directed the petitioner to pay sum of Rs. 7000/- per month to Opposite Party No. 2 for her maintenance and maintenance of the two minor children. Out of the said Rs. 7000/-, Rs. 4000/- is meant for maintenance of the Opposite Party No. 2 and Rs. 1500/- each for the two minor children.

Learned counsel appearing on behalf of the petitioner has submitted that the income of the petitioner is only Rs. 4500/- per month since he is working in biscuit factory at Gorakhpur.

I have perused the impugned order, and other



materials on record, from which it appears that earlier, by order dated 29.06.2015, interim maintenance of Rs. 4000/- per month for the wife and Rs. 1500/- each for the two minor children was allowed. Against the said interim order, the petitioner has approached this Court by filing Criminal Appeal No. 57120 of 2015, which was dismissed as withdrawn by order dated 25.01.2017.

It is surprising that though the petitioner had sufficient notice about the pendency of the proceeding before the court below, he did not participate in the proceedings. In such circumstance, the court below, based on the evidence adduced before it decided to allow monthly maintenance allowance as indicated above.

Considering the conduct of the petitioner and the fact that the plea taken on behalf of the Opposite Party No. 2, before the court below, is stood un rebutted. I do not find any reason to interfere with the impugned order.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Ranjan/-

AFR/NAFR	NAFR
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