

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.961 of 2014

=====

1. Md. Taiyab Baitha Son of Dominaitha resident of village- Fulpur, Police Station- Puraini, District- Madhepura

.... Petitioner/s

Versus

1. Rabina Khatoon Wife of Md. Taiyab Baitha and daughter of Md. Hanif
2. Md. Shamshad Minor Son of Md. Taiyab Baitha under the guardianship of Mother Rabina Khatoon both are resident of village- Fulpur, P.S.- Puraini, District- Madhepura, at Present resident of village- Kelabari, Police Station- Chousa, District- Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

5 16-02-2017 The impugned order dated 29.04.2014, the petitioner has been directed to pay a sum of Rs. 3000/- per month for maintenance of the opposite party No.2 and her son. The opposite party No. 2 is admittedly son of the wife of the petitioner whereas opposite party No. 3 is son of the petitioner. A plea has been taken that the petitioner being a poor person cannot pay monthly maintenance allowance at such rate since he has to maintain her old parents and brother. It is also being argued that the petitioner is ready to keep opposite party No. 2 with all love and dignity.

Learned counsel appearing on behalf of the opposite parties No. 2 and 3 has, on the other hand, submitted that till date the petitioner has not paid even a single farthing for their



maintenance despite there being an order passed by the Family Court in this regard. This fact has not been disputed and, in reply, it has been submitted that since the petitioner is not earning, he is not making any payment in compliance of the order of the Court.

The stand taken on behalf of the petitioner in order to assail the impugned order is apparently misleading. On the one hand, a plea is being taken that the petitioner cannot pay the monthly maintenance amount as directed by the court below and at the same breath it is being submitted that the petitioner has not paid the amount because he has to maintain his old parents and brother. If the petitioner is capable of maintaining his parents and brother, he cannot refuse to maintain his wife on the ground of incapacity.

The stand taken by the petitioner in the present proceeding is not at all fair. The amount, has been directed to be paid, as monthly maintenance allowance for his wife and minor son, cannot be said to be excessive.

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

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--

