

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1070 of 2014

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Manoj Kumar, son of Sri Ramavtar Prasad Verma, resident
of Mohalla Priyadarshi Nagar, Near Bhagwat Milan Mandir
(Bhagwat Nagar), Police Station Agamkuan, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Anita Kumari, wife of Manoj Kumar
3. Aditya Kumar, son of Manoj Kumar
4. Tanya, daughter of Manoj Kumar

2-4 are c/o Sanjeet Kumar Verma, resident of Mohalla
Shastrinagar, Dharam Kanta Lane3, Police Station Kasim
Bazar, District Munger

.... Respondents

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Appearance :

For the Petitioner : Mr. Shambhu Nath
For the State : Mr. Maya Nand Jha (App)
For Opposite Parties : Mr. Brajesh Sahay

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

6 28-02-2017 Heard learned Counsel for the parties
concerned.

Nearly four years back, by an order, dated
05.02.2013, the learned Principal Judge, Family Court,
Munger, has allowed monthly maintenance at the rate of
Rs. 5,000/- per month in exercise of power under Section
125 of the Code of Criminal Procedure, 1973 in favour of
Opposite Party No. 2 and her minor son and minor
daughter, in Case No. 68 (Maintenance) of 2009. Out of
the said Rs. 5,000/-, Rs. 2,000/- has been allowed for



maintenance of Opposite Party No. 2 and Rs. 1,500/- each for Opposite Party Nos. 3 and 4 (minor son and minor daughter of the petitioner and the Opposite Party No. 2).

The said order is being assailed in the present criminal revision application filed under Section 19 (4) of the Family Courts Act.

Learned Counsel for the petitioner has submitted that while quantifying the amount of monthly maintenance allowance, the learned Court below has not appreciated the actual monthly income of the petitioner. According to him, his monthly income is Rs. 5,000/- per month.

However, from the impugned order, I find that the petitioner did not adduce any evidence before the learned Court below showing his real income. This is not in dispute that the petitioner has ancestral house in Patna, where he resides with his parents and brothers. The market value of the said building has been assessed to be between 60 and 70 lakhs. In such circumstance, the plea that earning of the petitioner is too meager to pay the private opposite parties even Rs. 5,000/- per month for maintenance, does not appear to be bona fide.

I do not find any merit in this application requiring this Court's interference.



It is observed that the said order was passed nearly four years back. The opposite parties shall be at liberty to apply for enhancement of the monthly maintenance amount by invoking Section 127 of the Code of Criminal Procedure, 1973, before appropriate forum.

This application stands accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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