

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34550 of 2014

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Anwar Raza S/o Sri Mohammad Raza Resident of Mohalla Khalipura, Police Station Phulwari Sarif, Town & District Patna.

.... Petitioner

Versus

Sabina Parween W/o Anwar Raza, D/o Abdul Moiz Resident of Choudharyana, Police Station Arrah Town, Arrah, District Bhojpur.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Mohan, Advocate

For the Opposite Party : Mr. Obaidullah, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 02-08-2017

This application under section 482 of the Cr.P.C. has been filed to quash the order dated 05.04.2014 passed by learned Principal Judge, Family Court, Arrah, Bhojpur in Miscellaneous Case No.183 of 2012 whereunder the learned Judge directed the petitioner to make payment of Rs.5,000/- per month for the maintenance of his wife and daughter.

2. Heard and perused the record.

3. It is not in dispute that the Opposite Party No.2 is legally married wife of the petitioner and from the said wed-lock he was blessed with a female child who is presently aged about five and half years. The petitioner is a Junior Technician at Tirhut Milk Production Society at Muzaffarpur. The Opposite Party No.2 asserts that he is



getting salary to the tune of Rs.20,000/- per month. Besides he has income from his house and landed property. It is also not in dispute that the Opposite Party No.2 is residing at the place of her father and she has no source of her own to maintain herself as well as her child. The petitioner on the other hand asserts that he has income to the tune of Rs.11,000/- per month and from the said salary he maintains his parents and also pay house rent at the place of his postings. In supplementary affidavit, he has stated that he is in a position to afford an amount of Rs.3,000/- to 3500/- towards maintenance of the Opposite Party No.2 and her female child.

4. Be that as it may, the petitioner is the Junior Technician getting salary an amount of Rs.11,000/- per month which is being disputed by the Opposite Party No.2. The impugned order directing the petitioner was passed to pay maintenance the tune of Rs.5,000/- per month on 05.04.2014 and since then more than three years have already passed over and during this period he has not paid the said amount. The petitioner must be getting salary more than 11,000/- on account of periodical increment. As such, in present scenario, it cannot be said that the amount of Rs.5,000/- per month as interim maintenance to the Opposite Party No.2 and her minor female girl on all count to be exaggerated. I do not find any illegality in the



impugned order requiring any interference.

5. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

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CAV DATE	
Uploading Date	13.08.2017
Transmission Date	13.08.2017

