

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.149 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Bhojpur

=====

Kamleshwar Singh, Son of Shio Kumar Singh, Resident of Village-
Dalippur, P.S.:- Dhangain, District:- Bhojpur.

... .. Petitioner/s

Versus

Kamla Devi, Wife of Kamleshwar Singh, Resident of Village:- Dalippur,
P.S.:- Dhangai, District- Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Lallan Singh
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 11-08-2017 Heard learned Counsel for the petitioner.

By the impugned order, dated 27.10.2016, the learned Principal Judge, Family Court, Ara, has allowed monthly maintenance allowance at the rate of Rs. 8,000/-, payable by the petitioner to the sole Opposite Party.

This is not in dispute that the Opposite Party is the wife of the petitioner. It is also not in dispute that the Opposite Party does not have any source of income to maintain herself.

The only plea, which is being taken on behalf of the petitioner to assail the impugned order is that the amount as fixed by the learned Court below is excessive if compared with the income of the petitioner.

Learned Counsel appearing on behalf of the petitioner



has submitted that petitioner's income is Rs. 23,000/- per month and with the said amount, he is maintaining his second wife and five children born of the said second marriage. According to him, the petitioner had solemnized second marriage with the consent of Opposite Party.

I find from the impugned order that the Court below has held the income of the petitioner to be Rs. 30,000/- per month and after deductions, his take-home salary is Rs. 23,000/-.

In that background, the order passed by the learned Court below allowing Rs. 8,000/- per month as monthly maintenance allowance in exercise of power under Section 125 of the Code of Criminal Procedure, 1973, cannot be said to be excessive.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	v	T	v
---	---	---	---

