

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.891 of 2016

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1. Arvind Paswan son of Shri Sadhu Sharan Das resident of Malbagicha Post Office Jhauganj Police Station Mehdiganj Guljarbagh and District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi wife of Arvind Paswan, daughter of Yadu Paswan resident of Malbagicha Post Office Jhauganj Police Station Mehdiganj Guljarbagh and District Patna. and at present resident of Village Chardhara (Paswan Tola) Police Station Jhajha and District Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar

For the Respondent/s : Mr. Prabhat Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 28-07-2017 Heard learned counsel for the parties.

2. Aggrieved by an order, dated 31.05.2015, passed in Maintenance Case No. 15M/2013 by the learned Principal Judge, Family Court, Jamui, the petitioner, who is husband of Opposite party No.2 has preferred the present criminal revision application under Section 19(4) of the Family Courts Act, 1984. The petitioner has been directed by the Court below to pay maintenance allowance at the rate of Rs. 15,000/- per month from the date of the filing of the case.

3. The petitioner has no grievance over the findings recorded by the Court below that the Opposite party No.2 is



entitled for maintenance. His only grievance is that the amount, which has been fixed by the Court below is excessive, whereby a sum of Rs. 15,000/- has been directed to be paid.

4. Learned counsel appearing on behalf of the petitioner has made two submissions. He has submitted that Opposite party No.2 is running an NGO and from that she has substantial income. On the other hand, the income of the petitioner as assessed on the basis of salary-sheet has been found to be Rs. 42,649/-. Based on that, the Court below has allowed monthly maintenance allowance at the rate of Rs. 15,000/- per month from the date of the filing of the application, i.e., 31.01.2013.

5. Learned counsel appearing on behalf of the petitioner has drawn my attention to a judgment of the Supreme Court in case *of Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury Nee Nandy* reported in *AIR 2017 SC 2383*, wherein the Supreme Court allowed maintenance at the rate of 25% of the net salary of the husband in that case.

6. In the present case I find that the Court below, upon considering the income of the petitioner from salary and the fact that the Opposite party No.2 was not able to maintain herself has allowed monthly maintenance allowance at the rate of Rs.15,000/-, which is certainly slightly the above 25% as had been awarded by



the Supreme Court in that case. That, however, cannot be a ground for interference with the impugned order since the amount so awarded is not as excessive as would require this Court to interfere with the order.

7. The order does not require interference by this Court.

8. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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