

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.57 of 2015

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

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Abhay Kumar Jha, Son of Ram Kishun Jha, Resident of vill-Jhakhra,P.S-
Sarai Ranjan,Distt.-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar , ,
2. Indra Devi, Wife of Abhay Kumar Jha,D/O;Bishundeo
Mishra@Madho Mishra, Presently Resident of vill-Ghataho
Kishanpur,P.O+P.S-Ghataho,Distt.-Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur
For the Respondent/s	:	Mr. LALAN KUMAR(APP)
For O. P. No. 2	:	Mr. Bhavesh Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 21-07-2017

Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of the Opposite Party No. 2 and learned Additional Public Prosecutor representing the State of Bihar.

2. By the impugned order, dated 25.06.2014, the learned Principal Judge, Family Court, Samastipur, in Maintenance Case No. 113 of 2010, has allowed monthly maintenance allowance at the rate of Rs. 5,000/- in favour of Opposite Party No. 2, who is wife of the petitioner.



3. It is the plea of the petitioner that since the Opposite Party No. 2 is getting a sum of Rs. 2,000/- per month while working as Prerak, it cannot be said that she is not in a position to maintain herself.

4. Learned Counsel appearing on behalf of the Opposite Party No. 2 has submitted that at no point of time, any such evident was brought before the learned Court below to show that Opposite Party No. 2 had any source of income. He has further submitted that considering the income of the petitioner, the amount awarded by the learned Court below, as maintenance, cannot be said to be excessive.

5. Learned Counsel appearing on behalf of the petitioner, in reply, has submitted that the petitioner has lost his job and for that reason also, he is not in a position to pay the amount, which has been awarded by the learned Court below, as maintenance.

6. From the impugned order, it does not appear that any evidence was led before the learned Court below that the petitioner lost his job or he did not have such source of income as to part with a sum of Rs. 5,000/- per month.

7. I do not find any valid ground requiring interference by this Court.



8. This application is accordingly dismissed.

9. It is, however, made clear that it will be open to both the sides to apply for alteration of maintenance allowance in changed circumstance.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
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