

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1224 of 2013

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1. Parwati Devi W/O Mahshwar Sah Resident Of Village- Dharmchak, P.S- Mansi, District- Khagaria.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Maheshwar Sah S/O Late Nunu Sah Resident Of Village- Dharmchak, P.S- Mansi, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Respondent/s : Mr. Amitesh Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 30-06-2017 Heard Learned Counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State of Bihar. There is no representation on behalf of the Opposite Party No. 2.

The petitioner is the wife of Opposite Party No. 2, which fact is not in dispute.

By order, dated 05.09.2013, passed in Maintenance Case No. 45M of 2011, by learned Principal Judge, Family Court, Khagaria, a sum of Rs. 2,500/- per month has been allowed as maintenance allowance in favour of the petitioner in exercise of power under Section 125 of the Code of Criminal Procedure, 1973.

The petitioner, in the present criminal revision



application, filed under Section 19 (4) of the Family Court Act, has challenged the said order on the ground that the amount of monthly maintenance allowance is meager, compared to the income of Opposite Party No. 2.

From the impugned order, I find that the learned Court below arrived at a conclusion that Opposite Party No. 2 is/was working as Teacher in a Government School, getting monthly salary of Rs. 29,000/- to Rs. 30,000/-. He also arrived at the conclusion that Opposite Party No. 2 solemnized second marriage. After having held so, the learned Court below has allowed monthly maintenance allowance at the rate of Rs. 2,500/-, which is less than even 10 per cent of the monthly income of the Opposite Party No. 2.

In my view, the petitioner is correct in his contention that the amount of monthly maintenance allowance allowed by the learned Court below is insufficient and not proportionate to the income of the Opposite Party No. 2.

The impugned order, dated 05.09.2013, is accordingly modified by enhancing the amount of monthly maintenance allowance from Rs. 2,500/- to Rs. 5,000/- with effect from the date from which the impugned order has been made effective.



This application is accordingly allowed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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