

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.876 of 2016

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1. Manoj Kumar Bhagat @ Manoj Bhagat, Son of Late Awadh Bihari Bhagat, Resident of Village- Amarpur, Police Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

1. Kanchan Devi, Daughter of Baidynath Bhagat, Resident of Village- Khesar, P.S.- Belhar, District- Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-02-2017 Let the defects as pointed out by the Stamp Reporter be ignored.

Heard learned counsel for the parties.

By impugned order dated 01.07.2016 passed by learned Principal Judge, Family Court, Banka in Miscellaneous Case No. 14/2012/Trial No. 09 of 2016, the petitioner has been asked to pay arrears of maintenance at the rate of Rs. 3000/- per month in ten equal installments to be calculated from the date of the filing of the case and current monthly maintenance amount, on 10th of every month.

Learned counsel for the petitioner in order to assail the impugned order has submitted that the petitioner has no such



source of income as to pay to the Opposite party No.2, who is his wife, monthly maintenance allowance at the rate of Rs. 3,000/- per month. From the impugned order, it appears that the Opposite party No.2 had taken a plea that the petitioner runs a Flour Mill. This fact was disputed by the petitioner and a plea was taken that Flour Mill was in fact being run by his brother and he was working as an employee in the said Flour Mill, getting a sum of Rs. 200-250 per day. In that view of the matter, fixation of Rs. 3,000/- per month as maintenance allowance cannot be said to be excessive. The finding recorded by the Court below is based on appreciation of evidence, which cannot be said to be palpably wrong requiring interference by this Court.

This application has no merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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