

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.254 of 2016

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1. Chandra Kishor Prasad son of Ramdeo Sinha, Resident of village- Mishraulia, P.O. + P.S.- Bibhutipur, District- Samastipur, at present residing village- Khodabantpur, P.S. + P.O.- Khodabantpur, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. Renu Sinha wife of Chandra Kishor Prasad, daughter of Ramashray Mahto, Resident of village- Vuswa, P.O. + P.S.- Bibhutipur, District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Respondent/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 07-04-2017 By the order, dated 15.01.2016, passed in Maintenance Case No. 41 of 2011, the learned Principal Judge, Family Court, Samastipur, has allowed monthly maintenance at the rate of Rs. 3,000/- per month in favour of the Opposite party No.2 and Rs. 1000/- for maintenance of their minor child. The petitioner and Opposite party No.2 are admittedly husband and wife.

2. The monthly maintenance allowance has been allowed from the date of filing of the application, i.e., 14.03.2011.

3. Learned Counsel for the petitioner has submitted that the petitioner is ready to pay the monthly maintenance



allowance as fixed by the Court below, i.e. at the rate of Rs. 3000/- in favour of Opposite party No.2 and Rs.1000/- for maintenance of their minor child. He has, however, submitted that the order to the extent, the petitioner has been directed to pay the maintenance allowance with effect from the date of application, cannot be justified since the petitioner was paying interim maintenance allowance at the rate of Rs. 800/- per month till that date.

4. I do not find any illegality in the impugned order for the reason that petitioner is a practicing Homeopath doctor. His earning per month has been assessed to be Rs. 20,000/-.

5. Learned counsel for the petitioner has submitted that in the said income the petitioner is required to maintain his parents. On the plea that the petitioner is to maintain his parents, his duty to maintain his wife and minor child cannot be ignored.

6. I do not find any reason to interfere with the impugned order.

7. However, arrear amount for the period, i.e., from the date of the application to the date of passing of the order is directed to be paid by the petitioner in 24 equal monthly installments, beginning from first May, 2017.

8. This application stands disposed of with the



above observation.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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