

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1082 of 2014

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Chhotan Rai, son of Ram Nandan Rai, resident of village
Demuha, Police Station Parihar, District Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
 2. Anita Devi, wife of Chhotan Rai, resident of village
Demuha, Police Station Parihar, District Sitamarhi. At
present, residing in village Sisba, Police Station Parihar,
District Sitamarhi
 3. Kajal Kumar, daughter of Chhotan Rai
 4. Roshani Kumari, daughter of Chhotan Rai
- 3 & 4 are under the guardianship of Opposite Party No. 2
(Anita Devi)

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the State : Ms. Sharda Kumari(App)
For O.P. Nos. 2-4 : Mr. Raja Ram Rai

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

3 28-02-2017 Heard learned Counsel for the parties
concerned.

By an order, dated 01.09.2014, the learned
Principal Judge, Family Court, Sitamarhi, has allowed
monthly maintenance at the rate of Rs. 3,000/- per month
in exercise of power under Section 125 of the Code of
Criminal Procedure, 1973 in favour of Opposite Party No. 2,
who is his wife and Opposite Party Nos. 3 and 4, who are
minor daughters of the petitioner.

Learned Counsel for the petitioner has



submitted that the amount of Rs. 3,000/- is on the higher side and the petitioner is not in a position to pay the said amount.

On perusal of the impugned order, I find that the learned Court below has, upon assessment of the income of the petitioner from business and agriculture, come to a finding that the petitioner, though able to maintain his family, has neglected the Opposite Party Nos. 2 to 4.

I do not find any merit in the contention made on behalf of the petitioner. A sum of Rs. 3,000/- for maintaining wife of the petitioner and his two children cannot be said to be excessive.

This application has no merit at all. It is accordingly dismissed.

It is observed that opposite parties shall be at liberty to apply for enhancement of the monthly maintenance amount by invoking Section 127 of the Code of Criminal Procedure, 1973, before appropriate forum.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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