

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38127 of 2014

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Pravez Alam @ Mohd. Parvez, son of Ziyaur Rahman, resident of village- Mani Sirisiya, P.S.- Amnour, Distt- Saran.

.... Petitioner/s

Versus

1. State of Bihar
2. Rukhsana Khatoon @ Rukshana Khatoon, wife of Pravez Alam @ Mohd. Parvez, resident of village- Mani Sirisiya, P.S.- Amnour, Distt.- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner as well as learned A.P.P. for the State.

2. The petitioner, by filing this quashing application, has challenged the interim maintenance order dated 02.08.2013 passed by learned Principal Judge, Family Court, Chapra in Maintenance Case No. 44 of 2011 in a proceeding under Section 125 of the Cr.P.C. whereby he has directed the petitioner to pay Rs. 2000/- per month as interim maintenance to wife.

3. Learned counsel for the petitioner submits that the petitioner is a landless person and has no resources of income rather his wife runs a stitching centre as well as beauty parlor and quantum of interim maintenance order to pay Rs. 2000/- per month maintenance is excessive.



4. Whereas learned A.P.P. submits that there is no stay order passed by this Court against interim maintenance order dated 02.08.2013, but the said order is not being complied by this petitioner up-till-now.

5. Having considered rival submissions, it is apparent that the petitioner had also appeared in the proceeding initiated under Section 125 Cr.P.C. in the court below. The objective of interim maintenance is to provide interim relief to a deserted wife. It is moral as well as legal responsibility of the husband to maintain his wife, if on account of sufficient reason she does not live with the husband. The final maintenance order is passed considering the economic status of both sides, which is a matter of proof. At the very initial stage, the order for interim maintenance has been passed in view of exigencies considering the application and averments of both sides. There is no any unimpeachable document filed by the petitioner showing him landless. Even the daily wages, as fixed by the Government, is taken into account, the petitioner requires to pay minimum interim maintenance amount of Rs. 1000/- to his wife.

6. I find that in the impugned order reasoning is not assigned that on what basis Rs. 2000/- per month as interim maintenance was fixed by the court. So the interim maintenance amount is reduced and fixed Rs. 1000/- per month and the petitioner is



directed to deposit the entire due amount from the date of passing of the impugned order i.e., 02.08.2013. The current interim maintenance amount must be paid within first week of each successive month. If the petitioner does not pay the due amount as well as current amount, the Family Court will take all coercive measures to recover the same from the petitioner to be paid to his wife in accordance with law.

7. With the aforesaid direction and observation, this application stands disposed of.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.08.2017
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