

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43354 of 2014

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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Deepak Kumar Lal @ Deepak Kumar Lal @ Raju, Son of Dhrub Narain Chaudhary, Resident of Mohalla Rambag, Chaudhary Compound, P.S. Mithanpura, District Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. Sarita Kumari, D/o Dinesh Prasad Chaudhary, Resident of Mohalla Amgola, Khajurbani Belwa Lane Ramna-2, P.S. Kazi Mohammadpur, District Muzaffarpur

.... Opposite Parties

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Appearance :

For the Petitioners	:	Mr. Arun Kumar, Advocate
For the State	:	Mr. Murlidhar, APP
For O.P. No.2	:	Mr. R.K. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 21-11-2017

The petitioner seeks setting aside of the order dated 31.05.2014, passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No.78 of 2012 whereby he has directed the petitioner to pay Rs.6000/- per month as interim maintenance to his wife, Sarita Kumari, and two sons from the date of filing of interim maintenance petition.

2. Learned counsel for the petitioner submits that wife is not entitled for maintenance as she is gainfully employed as a teacher in a government school.

3. Learned counsel appearing on behalf of opposite party no.2 does not dispute the fact that she is employed as a teacher in a government school rather the impugned order also shows that she is



employed as a school teacher.

4. In view of Section 125 Cr.P.C., it is very specific that if the wife is unable to maintain herself, in that case she is entitled for maintenance but here is a case in which the husband is not gainfully employed though it is submitted that the father of the petitioner is a retired D.D.C. The two sons of the petitioner are entitled for interim maintenance, so the impugned order dated 31.05.2014, passed by learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No.78 of 2012 is set aside and the petitioner is directed to pay Rs.1500/- interim monthly allowance to each of the sons, in total Rs.3000/- per month from the date of filing of the interim maintenance petition and it must be deposited by him in the court below by 10th of each succeeding month or in the savings bank account of opposite party no.2 in case such account number is made available.

5. With the aforesaid observation and direction, the quashing application stands disposed of.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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