

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.668 of 2016

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1. Sunil Mahto S/o Late Butai Mahto, R/o Village- Chaknour Valuai Ki Tola, P.O.- Kusaiyya, P.S. Warisnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi D/o Lal Babu Mahto, resident of Village- Rohuya, P.S. Warisnagar, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 08-02-2017 The present application has been placed under the heading "Orders" with certain defects, having been pointed out by the Registry. The defect stands ignored. The delay in filing of the application stands condoned.

2. However, considering the facts and circumstances, I consider it appropriate to dispose of the application at this stage itself. I have heard learned counsel for the petitioner.

3. By the impugned order, dated 18.09.2015 passed by learned Principal Judge, Family court, Samastipur in Maintenance Case No. 228 of 2014, the petitioner, who is husband of Opposite party No.2 has been asked to pay a sum of Rs. 2,000/- per month as monthly maintenance to Opposite party No.2.



4. Learned counsel appearing on behalf of the petitioner has submitted that the Court below, without considering the capacity of the petitioner to pay maintenance allowance has passed the impugned order. He has also submitted that the petitioner has solemnized second marriage and in such circumstance, it will be difficult for him to pay monthly allowance of Rs. 2,000/- per month to Opposite party No.2.

5. The submission so advanced by the petitioner is contradiction in terms. On the one hand, the petitioner is said to have solemnized second marriage, while on the other, on that ground he wants to question the quantum of maintenance allowed by the learned Principal Judge, Family Court. The amount of Rs. 2,000/- per month in no circumstance can be said to be excessive in the background of the facts as stated above.

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

(Chakradhari Sharan Singh, J)

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