

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46018 of 2014

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

=====

Mukesh Kumar @ Mukesh Kumar Sah, S/o Late Baiju Sah, resident of village -
Sahbajpur, P.O. Harauli, P.S. Hazipur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Kanchan @ Nitu, W/o Mukesh Kumar, D/o Sri Deep Narayan Sah
resident of village + P.O. Kurahani, P.S. Kurahani, District - Muzaffarpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chandrashekhar Anand, Adv.
For the Opposite Party no.1 : Mr. Parmeshwar Mehta, APP
For the Opposite Party no.2: Mr. Kalyan Shankar, Adv.
Mrs. Smita, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 10-10-2017

Heard the parties.

The petitioner is aggrieved by the order dated 29.05.2014 passed by the learned Principal Judge, Family Court, Muzaffarpur in Maintenance Case No.46 of 2013 by which the learned Principal Judge has allowed ad interim maintenance of Rs.3,000/- per month to the wife of the present petitioner. The applicant (wife) has claimed that her husband (petitioner) is running a General Store from which he is earning a sum of Rs.25,000/- per month. He has also got landed property of about two and half Bighas of land from which he is earning Rs.2,000/- per month by selling



vegetables.

Learned counsel for the petitioner assails the impugned order, but he fails to satisfy this Court as to how a sum of Rs.3,000/- per month towards maintenance can be said to be excessive. He submits that the petitioner is ready to keep the opposite party no.2.

However, this Court is not going into that aspect of the matter as the question which falls for consideration before this Court is the legality and validity of the impugned order and nothing else. Considering the present minimum wages fixed for even a daily wager, this Court is of the view that parting with sum of Rs.3,000/- per month towards maintenance of his wife should not be taken as a burden and cannot be said to be a burden upon the petitioner.

This Court is not inclined to interfere with the order impugned. The application is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.10.2017
Transmission Date	11.10.2017

