

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.723 of 2015

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Bindeshwar Rai S/o Late Nunu Rai Resident of Village
Chakmotipur, P.S. Tajpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sakila Devi W/o Bindeshwar Rai Resident of Village
Chakmotipur, P.S. Tajpur, District Samastipur at present
residing at D/o Ramchandra Rai, Village Repura, P.S.
Patepur, District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey

For the Respondent/s : Mr. N.K.Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 30-03-2018 Heard learned counsels for the parties.

Learned Principal Judge, Vaishali at Hajipur, by final order dated 18.05.2015, has directed the petitioner to pay to the O.P. No. 2 an amount of Rs. 6000/- per month from the date of passing of the order and clear the arrears of the interim maintenance of Rs. 1000/- per month which was directed vide order dated 18.06.2009 in five equal monthly installments.

Learned counsel for the petitioner has submitted that the Family Court has not at all assessed the income of the petitioner and has only gone by the deposition of the witnesses offered on behalf of O.P. No. 2. He has further



submitted that the petitioner is under a seasonal employment and does not have requisite financial strength to pay Rs. 6000/- per month to O.P. No. 2. That apart, the petitioner has other commitments and he has to maintain other family members as well. The family property does not fetch him any liquid cash and only because O.P. No. 2 does not wish to stay with him in his house, the present case of maintenance has been filed.

As opposed to the aforesaid contentions, learned counsel for the O.P. No. 2 has submitted that during the subsistence of her marriage with the petitioner, he has married another woman and therefore, he has been neglecting her ever since his second marriage. She has also offered documentary evidence before the Family Court to demonstrate that the petitioner has some landed property.

Regard being had to the fact that petitioner is only under seasonal employment and the tract of land which he owns does not fetch him any liquid cash, this Court is of the view that interest of justice would be met, if the petitioner is made to pay Rs. 3000/- per month to the O.P. No. 2 but from the date of passing of the order by the Family Court i.e. from 18.05.2015.

The petitioner shall also be required to pay the arrears of the interim maintenance which was directed by the order



dated 18.06.2009 by the Family Court asking him to pay an amount of Rs. 1000/- per month. Whatever amount upto now has been paid by the petitioner shall be calculated and adjusted.

Accordingly, the order 18.05.2015 passed by learned Principal Judge, Family Court, Vaishali at Hajipur in Maintenance Case No. 21 of 2008 is modified to the extent indicated above.

For the sake of clarification, it is ordered that the petitioner shall pay an amount of Rs. 3000/- per month to the O.P. No. 2 from 18.05.2015.

The arrears of the maintenance as well as interim maintenance shall be paid within a period of one year in twelve equal monthly installments.

In case of non-payment of the maintenance amount, O.P. No. 2 shall have liberty to approach the Family Court for taking coercive steps against the petitioner.

With the aforesaid observation/direction, the revision petition is disposed of.

(Ashutosh Kumar, J)

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