

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.566 of 2016

Arising Out of PS. Case No.- Year- Thana- District- East Champaran

Navin Kumar Shukla @ Naveen Kumar Shukla Son of late Baidya Nath Shukla Resident of Mohlla- Yarpur Rajputana PS Gardanibagh Town & district Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pushpa Devi wife of Sri Navin Kumar Shukla , Daughter of Bashistha Narayan Pandey
3. Kisha minor daughter of Sri Navin Kumar Shukla;
4. Shivam minor of Sri Navin Kumar Shukla O.P. Nos. 2 and 3 are under the guardianship of their mother Pushpa Devi All are preently residing at Village & P.O. Hussain PS Dumariaghat, District East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Prasad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 15-05-2018 The petitioner is aggrieved by the final order dated 31.03.2016 passed by the learned Principal Judge, Family Court, East Champaran, Motihari in Matrimonial (Maintenance) Case No. 428 of 2011 whereby he has been directed to pay a total amount of Rs. 8000/- per month towards the maintenance of opposite parties no. 2, 3 and 4 who are his wife and minor children w.e.f. the date of filing of the case which is 22.10.2011. The arrears of the maintenance has also been directed to be paid @ Rs. 2000/- per month towards the realization of the entire arrears.

Learned counsel for the petitioner has



submitted that he does not wish to shy away from maintaining his wife/opposite party no. 2 and his two children but in the first instance, he desired that the opposite party no. 2 should come and stay with him as his legally wedded wife. It was also offered by the petitioner that he is ready to keep opposite party no. 2 with all dignity to which she is entitled and opposite parties no. 3 and 4 with all affection which any father would give to his children.

However that was not possible and situation came to such a pass that a divorce petition was filed which is still pending adjudication. It has further been submitted that at the time when the maintenance petition was filed, the petitioner was employed as a teacher in the DPS School and was getting a good salary. However because of the regular complaints being made by the opposite party no. 2, he was thrown out from his job by the DPS School management. Today, the petitioner earns his livelihood only by offering private tuitions to the students and from the monthly rental of Rs. 3000/- from a building which has been constructed by his father. The petitioner has also to maintain his old mother as he is the only son of his mother.

In that view of the matter, it has been prayed that the amount of maintenance which has been fixed by



the Family Court be reduced.

Learned counsel appearing for the opposite party no. 2 however has stated that the amount of maintenance was fixed by the family court after due consideration of the fact that the petitioner has been thrown out from his regular job from the DPS School, Patna and therefore no further interference is required. It has also been submitted that Rs. 8000/- is not excessive; rather it would be minimal amount which any family would require to expend for education of the children, a decent living and some savings for the rainy days.

However learned counsel appearing for both the parties have agreed to the fact that it would only be advantageous to the parties if the amount of maintenance is regularly paid to opposite party no. 2, even though the quantum of maintenance amount is reduced a bit and no litigation on that score is initiated by either of the parties.

Considering the entire aspects in a holistic manner, this Court deems it appropriate to reduce the maintenance amount to be paid to the opposite parties no. 2, 3 and 4 to Rs. 7000/- in all. This quantum of maintenance shall be effective from the month of May, 2018. The arrears of the maintenance which would be



collected @ 8000/- per month from 22.10.2011 shall be paid by the petitioner in installments of Rs. 1500/- per month, till the realization of the entire arrears.

With the aforesaid modification in the quantum of maintenance and the installments for clearing the backlog/arrears, the present revision petition is disposed of.

(Ashutosh Kumar, J)

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