

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.327 of 2015

Arising Out of PS. Case No.- Year- Thana- District- Sitamarhi

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Kameshwar Prasad son of Late Kedar Lal, Resident of village- Mushachak,
Police Station Bairganiya, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sunita Srivastava w/o Kameshwar Prasad, daughter of Mahesh Prasad Verma,
resident of Dumra Ward no. 7, Police Station- Dumra, District-Sitamarhi.
3. Aman Kumar. Minor S/o Kameshwar Prasad.
4. Kumari Muskan. Minor daughter of Kameshwar Prasad. under natural
guardian of their mother Sunita Srivastava. resident of Dumra Ward no. 7,
Police Station- Dumra, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.
For the State : Mr. Ram Priya Sharan Singh, APP.
For the Opposite Party : Mr. Surendra Kishore Thakur, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 05-03-2018

Heard the learned counsels for the parties.

The petitioner has challenged the final order dated 23.03.2015 passed in Maintenance Case No. 199 of 2006/298 of 2014 by the learned Principal Judge, Family Court, Sitamarhi whereby he has been directed to pay a total amount of Rs. 2000/- per month to the opposite parties no. 3 and 4 with the stipulation that the aforesaid amount would be distributed towards the maintenance of opposite parties 3 and 4 in half and half measure but the maintenance to opposite party no. 3 would only be till his attaining majority and the maintenance to opposite party no. 4 shall be till her marriage at the appropriate



time.

From the records, it appears that a petition for maintenance under Section 125 Cr.P.C. was filed by opposite party no. 2, the wife of the petitioner, seeking maintenance of Rs. 5000/- per month and till the disposal of the maintenance petition, an interim maintenance of Rs. 3000/-. It further appears from the records as well as from the impugned final order that admittedly the opposite party no. 2 is a government teacher posted at Kamla Balika Uchcha Vidyalaya, Dumra, Sitamarhi earning a salary of more than Rs. 10,000/- per month.

It has been submitted on behalf of the petitioner that he is only a Radio and T.V. mechanic and there is no evidence on record to even remotely suggest that he owns any shop or has a regular source of income.

It further appears from the records that the petitioner has two sisters, one of whom is though married but has been deserted by her husband whereas the other sister is still unmarried. The aforesaid two sisters are having maintained by the petitioner.

Learned counsel for the petitioner has also drawn the attention of this Court that out of his wedlock with the opposite party no. 2, three children were born viz. opposite parties no. 3



and 4 and another son viz. Ritwik who has, since the beginning of the dispute between the spouses, been living with the petitioner and is being maintained by him.

Taking into account the aforesaid facts, especially the opposite party no. 2 being in regular government service getting a monthly salary, this Court is of the view that the opposite party no. 3 has become a major from 20.08.2016 and hence no amount required is to be paid to him now. Thus the petitioner is left with the responsibility of paying Rs. 1000/- only towards the maintenance of opposite party no. 4 viz. Kumari Muskan, a minor girl.

Regard being had to the aforesaid facts, especially the regular employment of the opposite party no. 2 and the petitioner not engaged in any regular employment, this Court is of the view that interest of justice would be effectively met, if the petitioner is directed to pay a regular monthly amount of Rs. 500/- per month to the opposite party no. 4 from the date of passing of this order till the marriage of opposite party no. 4. Whatever amount has been paid by the petitioner to the opposite parties in the past shall not be called in question by the petitioner henceforth. With respect to the arrears, the petitioner would also make a one time payment of Rs. 10,000/- to opposite



party no. 2 within a period of four weeks from today, which shall be invested by the opposite party no. 2 in a Fixed Deposit Scheme initially for a period of six months but with auto renewal facility. It is expected that the aforesaid amount shall only be used towards the marriage of opposite party no. 4. The petitioner, at the time of marriage of the opposite party no. 4 shall also make it convenient to contribute an amount of Rs. 50,000/-.

The final order is hereby modified to the extent indicated above.

The petition stands partially allowed.

(Ashutosh Kumar, J)

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