

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.498 of 2016

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Mahmud Alam son of Late Shahid Resident of village -
Sahdulepur, Police Station - Gopalganj, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kaushar Jahan wife of Mahmud Alam, daughter of
Mahammad Yunus Resident of village - Sahdulepur,
Police Station - Gopalganj, District - Gopalganj. At
present Jangila Ward No. 19, Gopalganj, Police Station +
District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P. Sinha, Sr. Adv
For the Informant : Mr. Shailendra Kr. Dwivedi, Adv
For the Respondent/s : Mr. Uday Chand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-04-2018 The petitioner has challenged the order dated
05.04.2016 passed by the learned Principal Judge, Family
Court, Gopalganj in C.I.S Maintenance Case No. 153 of 2013
(Old Case No.(M) 39 of 2012 whereby the amount of
maintenance has been enhanced from Rs. 2200/- per month
to a total amount of Rs. 9,000/- per month (Rs. 4000/- to
O.P. No. 2 and Rs. 2500/- each to two of the minor sons who
have been fathered by the petitioner).

From the records, it appears that the marriage of the
petitioner with O.P. No. 2 was solemnized way back in the
year 1995. Two children were born out of the wedlock.



However, the matrimonial relationship went through a rough patch and the petitioner married again.

It further appears from the records that the petitioner is still employed in Saudi Arabia.

Efforts were made by the O.P. No. 2 before the Family Court to demonstrate that petitioner has sufficient income to enhance the maintenance amount and on the other hand, the petitioner also had tried to show that he had been footing the medical expenses of the O.P. No. 2 and is not so gainfully employed as claimed by O.P. No. 2.

The Family Court, on consideration of the materials on record, directed for the enhancement of the maintenance amount referred to above.

Mr. Bakshi S.R.P Sinha, learned senior counsel for the petitioner has submitted that one of the sons of the petitioner has attained majority which fact has not been disputed by the learned counsel appearing for the O.P. No. 2.

In that view of the matter, the amount of enhanced maintenance amount fixed by the learned Family Court is reduced by an amount of Rs. 2500/- which was required to be given to one of the sons of the petitioner and O.P. No. 2.

The petitioner now would be required to pay an amount of Rs. 6500/- per month in all, from the date of passing of the order impugned i.e. from 05.04.2016.



Prior to this order and from 18.12.2012, the petitioner would be required to pay the amount of maintenance to the O.P. No. 2 and his two sons at the rate of Rs. 9000/- per month.

The arrears of the maintenance amount shall be paid positively within a period of six months, failing which the O.P. No. 2 shall have the liberty to approach the Family Court for taking of coercive action against the petitioner.

With the aforesaid modification in the quantum of maintenance directed by the Family Court, the present revision petition is partially allowed.

However, the parties shall have the liberty to approach the Family Court for varying/altering the order of maintenance in case of any change in the circumstances.

(Ashutosh Kumar, J)

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