

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.452 of 2016

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Md. Shabje Alam S/o Sah Muhammad @ Md. Saheb @
Bechu Miya, resident of village- Shahpur Junaid, P.S.-
Sakara, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Sarmadi Parween, wife of Md. Shabje Alam, Daughter of
Muhammad Mustkim
3. Sabha Khatun, daughter of Md. Shabje Alam, both
resident of village- Gadhpura, P.S.- Khaudiavandpur,
District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Respondent/s : Mr. Nityanand(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 19-06-2018 The petitioner has challenged the final order dated
12.02.2016 passed by the learned Principal Judge, Family
Court, Begusarai in Maintenance Case No. 132(M) of 2010
whereby the petitioner has been directed to pay an amount
of Rs. 7000/- per month to O.P. Nos. 2 and 3, being his wife
and daughter, towards their maintenance.

The O.P. No. 2 viz. Sarmadi Parween was married to
the petitioner on 11.06.2009 in accordance with the Muslim
religious rite. Thereafter, demand of dowry was made and
non-fulfillment of the same led to mental and physical
torture. The O.P. No. 2 was thrown out of her matrimonial
home. Later, she delivered O.P. No. 3. The petitioner,



according to O.P. Nos. 2 and 3, never cared for his family.

The O.P. Nos. 2 and 3 do not have any means for sustaining themselves and hence they made a prayer before the Family Court for directing for the payment of monthly maintenance amount.

The aforesaid prayer of the O.P. Nos. 2 and 3 was contested by the petitioner and during the proceedings, it was stated by him that he only earns Rs. 3000/- per month by way of ad-hoc employment.

The aforesaid statement of the petitioner was not accepted to be correct in view of the categorical assertion of witnesses offered on behalf of O.P. Nos. 2 and 3.

There appears to be nothing on record to interfere with the order passed by the Family Court.

The O.P. Nos. 2 and 3 are required to be maintained by the petitioner and the maintenance amount which has been fixed by the Family Court is not excessive. There is no denial of the fact that the O.P. Nos. 2 and 3 do not have any source of income.

In that event, the present petition does not have any merit and the same is dismissed.

(Ashutosh Kumar, J)

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