

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.27 of 2016

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

=====

Amarish Kumar Rai son of late Deo Narayan Rai. Resident of village- Maniya, P.S.- Dhansoi, District- Buxar presently residing at Mohalla- Sumeshwar Asthan, Jail Road, Ward No. 2, P.S.- Buxar Nagar, District- Buxar.

... .. Petitioner/s

Versus

Reena Devi daughter of Late Paras Nath Rai, Resident of village- Balirampur, P.S.- Buxar (Mufassil) District- Buxar, Presently Residing at Mohalla- Teachers Colony, Charitraban, P.S.- Buxar (Nagar), District- Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 18-08-2018 The petitioner is aggrieved by the final order dated 06.10.2015 passed by the learned Principal Judge, Family Court, Buxar in Maintenance Case No. 35(M) of 2013 whereby the petitioner has been directed to pay an amount of Rs. 4000/- per month towards the maintenance of the opposite party/wife.

The records reveal that the petitioner was married to the opposite party in the year 2005 but the marriage went under rough weather very early. A case was registered against the petitioner and others vide Buxar (Town) P.S. Case No. 216 of 2011 for the offence under Section 498A of the Indian Penal Code. The opposite party filed a petition for maintenance under



Section 125 Cr.P.C. before the Family Court, Buxar and claimed maintenance of Rs. 10,000/- per month. Finding the salary of the petitioner to be Rs. 17,328/-, the Family Court Buxar fixed the quantum of maintenance at Rs. 4000/- per month.

Learned counsel for the petitioner while assailing the aforesaid order stated that the petitioner has other commitments as well and has to look after brothers and sisters who are unemployed. It was also submitted that the petitioner, after the death of his father, was given appointment on compassionate ground and he is also required to pay off all the debts of his father.

Learned advocate for the opposite party has drawn the attention of this Court to the fact that now the salary of the petitioner is around 23,000/-; in support of which contention, the present salary slip has been brought on record by way of counter affidavit. Even the mother of the petitioner is getting family pension of Rs. 3780/-.

Regard being had to the aforesaid facts, this Court is of the view that the fixation of quantum of maintenance is reasonable as it takes care of the needs of the opposite party as also the financial health and the commitments of the petitioner.



Learned counsel for the petitioner has informed this Court that while he had approached this Court for grant of bail, a Bench of this Court had directed the petitioner to pay an amount of Rs. 1000/- per month to his wife/opposite party; but the aforesaid order was subject to any final order being passed in the appropriate proceedings. Thus, the petitioner is only now, required to pay an amount of Rs. 4000/- per month towards maintenance of the opposite party from the date of the order i.e. 06.10.2015.

No interference thus is required with the aforesaid order. The revision petition is thus dismissed.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

