

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.653 of 2017

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Md. Sohrab Ansari S/o Md. Naim Ansari, Resident of Village- Kirni P.O. Katkinar, P.S. Nawa Nagar District- Buxar at present posted as Constable No. 04254055 'B' Coy 58 BN. Border Security Force, Malkhangiri (Orrisa).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sajda Khatoon, W/o Md. Sohrab Ansari D/o Md. Khalil Resident of Village- Kirni P.O. Katkinar, P.S. Nawa Nagar District- Buxar at present R/o House No. D/172 C/o Md. Kurban Ansari Navjivan Camp Kalkajee P.S. Govind Puri New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Respondent/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 23-01-2018 The petitioner has challenged the order dated 01.03.2017 passed by the Principal Judge, Family Court, Buxar in connection with Miscellaneous Case No. 36 of 2012 whereby the amount of maintenance has been enhanced to Rs. 8000/- per month, in all, which includes maintenance to the opposite party no. 2 and her daughter.

From the records it appears that the opposite party no. 2 was granted monthly maintenance of Rs. 3000/- vide order dated 15.09.2011. This maintenance amount was assessed on the statement of the petitioner that he gets a salary of Rs. 9000/- per month. Later, that was found to be incorrect and with the 7th Pay Commission being implemented, today the petitioner gets around



Rs. 45,000/- per month. The assessment of the court below regarding the capacity of the petitioner to pay to the opposite party no. 2 and her minor daughter an amount of Rs. 80000/- is based on cogent reasons and this Court finds no reason to interfere with the same. The petitioner is employed in BSF and he ought to maintain his wife and daughter whom he has fathered. The amount of maintenance of Rs. 8000/- in all towards the expenses of the opposite party no. 2 and her daughter is, in the opinion of this Court, bare minimum and is not required to be interfered with.

For the reasons aforesaid, the present petition is dismissed.

(Ashutosh Kumar, J)

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