

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1089 of 2018**

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Rajeev Ranjan Kumar, Son of Late Rama Dhar Sharma, Resident of Mohalla-  
Khemnichak, Adarsh Colony, Road No. 1, Back Side of Patliputra A.N.M.  
Training Center, Patna 27, Police Station- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

Babli Kumari @ Babali Devi Wife of Rajeev Ranjan Kumar, D/o Shri Arbind  
Kumar, R/o Vill. Kurre, P.S.- Ghosi, Dist.- Jehanabad.... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No-2  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**

**Date : 26-03-2019**

Heard.

This criminal revision petition has been filed for setting aside the order dated 09.07.2018 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No.1039 of 2016 by which Family Court has directed the petitioner to pay interim maintenance of Rs.7,000/- per month and Rs.10,000/- as litigation cost to opposite party under Section 24 of the Hindu Marriage Act.

Marriage between petitioner and opposite party no.2 was solemnized on 24.06.2014 and opposite party no.2 started residing in her matrimonial home. Petitioner is a government



servant in Jharkhand and posted at Khunti since 01.07.2014.

It has been submitted by petitioner that opposite party has left her matrimonial home on her own volition. All efforts were made by him to resume marital life but she did not return to her matrimonial home and petitioner was forced to file an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the family court, Patna. Opposite party appeared in the Family Court and accepted the marriage between the parties and it was further alleged that after marriage, she was being tortured by her in-laws and petitioner started demanding Rs.1,50,000/- for admission in B. Ed. Course and she was ousted from the house after abusing and assaulting her. She filed a petition under Section 24 of the Hindu Marriage Act for grant of interim maintenance during pendency of the case before the Family Court. Petition was opposed by the petitioner and it was stated that opposite party is able to maintain herself and she has substantial income from immovable property. It was admitted by petitioner that he is working as clerk and being paid Rs.30,000/- salary and except that he has no other source of income. It has been submitted by petitioner that he has many liabilities on which he has to incur much expenditure while source of income is limited.



After hearing the parties and considering the materials available on record, Family court has directed interim maintenance of Rs.7,000/- per month to be paid by the petitioner to opposite party and there is also a direction for payment of one time lump sum amount of Rs.10,000/- as litigation cost.

After hearing learned counsel for the petitioner and perusing the order passed by the family court, it is admitted fact that petitioner is a government servant in the State of Jharkhand and according to him, his income is Rs.30,000/- and it has been alleged by the opposite party that after marriage, a demand of Rs.1,50,000/- was made and for non-fulfillment of which, she was ousted from her matrimonial home and she had to take shelter in her parental home and she has no source of income and is depending upon her parents for her survival and the marriage between the parties are admitted. Petitioner has contended before the Family Court that he is incurring expenditure on other family members for their welfare and well being and petitioner is obliged and duty bound to maintain his wife also. Opposite party has given reasons for not living with petitioner.

This Court is not inclined to interfere in the order passed by the family court.



Accordingly, the present criminal revision petition is  
dismissed.

**(S. Kumar, J)**

Sanjay/-

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| AFR/NAFR          | NAFR       |
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