

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.184 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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1. Asha Devi, aged about 34 years (Female) wife of Shashi Ranjan Kumar
 2. Arohi Kumari, aged about 5 years, Minor Daughter of the Petitioner No. 01 and under the Guardianship of Asha Devi, R/o village-Alampur, P.S- Desari, Dist- Vaishali, at Present Resident of Village-Akhitiyarpur, P.S- Mahua, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashi Ranjan Kumar, Son of Shyamnandan Singh, R/o village- Alampur, P.O. Pohiyar (O.P Sahadie Buzurg) P.S- Desari , Dist- Vaishali at present Registered No. 081090358, 9 BN-BSF. Chary Coy Samba, Mobile No. Jammu Mobile No. 09419948179.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Prabhat, Adv.
For the Respondent/s : Mr.Dinesh Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 19-12-2019

Heard the parties.

2. This revision application has been filed for enhancement of quantum of maintenance allowed by order dated 10.08.2018 passed in Maintenance Case No. 57 of 2013 passed by learned Principal Judge, Family Court, Vaishali at Hajipur, by which the learned Family Court has directed the husband-opposite party no. 2 to pay the compensation of Rs.



8000/- (eight thousand) per month from January 2018 to the petitioner in terms of Section 125 of the Cr.P.C. Marriage of petitioner with opposite party no. 2 was solemnized according to Hindu Rites and Customs on 28.11.2012 and at the time of marriage sufficient cash, gift and presents were given to opposite party no. 2 however, it is alleged that petitioner thereafter was being tortured for non-fulfillment of demand of dowry and as such she instituted a case against opposite party no.2 and other in-laws under Section 498(A), 307 and 34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act which is still pending. It is submitted that opposite party no. 2 is in service in B.S.F. and at present posted in Jammu & Kashmir and at the time of filing of maintenance his monthly salary was Rs. 25,000/- and apart from salary his income was also from the agriculture land whereas petitioner-wife has no source of income and she is living with her daughter and as such opposite party no.2 is bound to maintain her and her daughter.

3. In support of maintenance case three witnesses were examined on behalf of petitioner. P.W. 1 is the father of petitioner P.W.2 is petitioner herself and P.W. 3 is uncle of the petitioner, who in their deposition, have stated that the opposite party no.2 husband of petitioner is employed in B.S.F.



whereas petitioner has got no source of income and she is fully dependent upon her husband for her survival and existence.

4. Three witnesses were also examined on behalf of opposite party no.2 who have stated that the petitioner conduct with her husband and her in-laws was very cruel and she always misbehaved and ill-treated and during her stay where her husband is posted, her behavior was outrageous and she never took proper care of her husband-petitioner and never cared of his dignity and prestige. She lived in her matrimonial home only for six months and thereafter is staying in her parental home with her minor daughter.

5. The family Court after due appreciation of evidences adduced by both the parties and also taking into account that opposite party no.2 herself is suffering from hepatitis and is undergoing treatment and his salary at the initial stage when the maintenance case was filed was Rs. 25,000/- but at the time of passing of the order it was enhanced as to Rs. 33,000/- passed the order of payment of Rs. 8,000/- as maintenance to the petitioner.

6. After hearing the counsel for the petitioner and perusing the order passed by Family Court, this court does not found any material irregularity or jurisdictional error in the



order passed by the Family Court, accordingly, this petition is dismissed. However, petitioner is at liberty to approach family court for alternation / variation of maintenance amount as contemplated under Section 127 of Cr.P.C.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.12.2019
Transmission Date	31.12.2019

