

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.526 of 2018

In
Miscellaneous Appeal No.69 of 2017

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

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Pramod Rai Son of Vishwanath Rai, Resident of village - Prahladpur tola,
Bhataulia, P.O.- Mushari, P.S.- Mushari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Kiran Devi Daughter of Shri Horli Rai, Resident of village - Manik Bishunpur, P.O.- Manic, P.S.- Mushari, District- Muzaffarpur.
2. Radha Kumari, Minor Daughter of Kiran Devi, Under the guardianship of her mother Kiran Devi Resident of Village- Manik Bishunpur, P.O.- Manik, P.S. - Mushari, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Gautam, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 10-12-2019

Heard learned counsel for the parties.

This criminal revision petition has been filed for setting aside the order dated 20.04.2015 passed in Maintenance Case No. 84 of 2012 by the Principal Judge, Family Court, Muzaffarpur, by which petitioner-husband has been directed to pay maintenance of Rs. 3000/- per month to the applicant Wife and Rs. 1000/- to her minor daughter Radha Kumari total Rs. 4000/- by 10th of each succeeding month which shall be effective from the date of filing of maintenance case.

Wife-opposite party no. 1 filed application under Section 125 of the Cr.P.C on 07.05.2012 against her husband for



grant of maintenance as she has no source of income and is unable to maintain herself and her minor daughter whereas husband-petitioner has sufficient income and is bound to maintain her legally wedded wife.

Marriage between the parties was solemnized on 11.03.2003 and from the said wedlock a daughter namely Radha Kumari was born, however, Wife-Opposite Party No. 1 was compelled to leave her matrimonial home on account of physical and mental torture for non fulfillment of demand of dowry. Petitioner-husband appeared on 20.08.2012 but thereafter did not take any interest in the case and left doing pairvi.

In support of maintenance case, four witnesses were examined on behalf of Wife-Opposite Party No. 1 and on the basis of evidence recorded in maintenance case, the Family Court held that the marriage was solemnized between the parties on 11.03.2003 and from said wedlock one daughter was born. Petitioner had no source of income to maintain herself and her minor daughter whereas petitioner was having sufficient income from agriculture as well as milk business and is earning per day Rs. 1000/- as such he is legally bound to maintain his wife and daughter and directed to pay Rs. 3000/- as maintenance for wife



and Rs. 1000/- for minor daughter Radha Kumari.

This Court does not find any error, illegality or infirmity in the order passed by Family Court, as such the present petition is dismissed.

It has been submitted on behalf of petitioner that Wife- Opposite Party No. 1 has solemnized second marriage and as such she has forfeited her right to get maintenance. There is specific provision under Section 127 of Cr.P.C that order passed can be varied, set aside, modified by the Family Court on a petition filed by aggrieved party under changed circumstances. Petitioner is at liberty to file such petition to modify/set aside the order as impugned under changed circumstances on account of subsequent events taking place after passing of the impugned order.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.19
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