

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.569 of 2016

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

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Md. Jahangir, S/O Md. Hussaini, resident of Village Bahadurpur, P.S.- Patory,
District- Samastipur.

... .. Petitioner

Versus

Pinki Praveen, W/O Md. Jahangir, resident of Village- Bahadurpur, P.S.-
Patory District -Samastipur and presently residing as D/O Md. Rahim,
Village- Mohanpur, P.S.- Samastipur M, District- Samastipur.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Suneil Kumar Thakur
For the Respondent/s : Mr. Ajit Kumar APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-07-2019 This application has been filed against the order dated

18.3.2016 passed by learned Principal Judge, Family Court,
Samastipur in Maintenance Case No. 73 of 2013 filed by
opposite party by which he has granted maintenance of
Rs.3000/- per month to the opposite party-wife.

Ground for assailing the impugned order is that the
petitioner is still ready to keep her with dignity and care and as a
matter of fact she left the house on her own and not ready to
reside with the petitioner-husband and learned Family Court
without considering the same has passed the order granting
maintenance.

In spite of the fact that opposite party-wife has
appeared by filing Vakalatnama but none appears on her behalf.



Case of the opposite party is that the petitioner is working as labourer in a private company and his income is Rs.12000/- per month and she has no source of income. It is also her case that petitioner started demanding of Rs.30,000/- and a motorcycle and due to non-fulfilment of demand she was subjected to cruelty. It is also her case that she has no source of income towards her maintenance. It further appears that both the parties have adduced their evidence and on behalf of opposite party two witnesses have been examined and they disclosed that she was driven out from her sasural and the evidence of opposite party (PW 3) also disclosed that the petitioner has brought a girl and he wanted to marry her and there is no cross examination. Further petitioner has admitted in his evidence that there is expenditure of Rs.2000-4000 per month for fooding towards him and his family and his wife is residing in her maternal house for the last 3 and a half years. He has also admitted that he has not given any amount to her for her maintenance and he also did not go to bring her. It further appears that father of the petitioner has also appeared and he has also admitted that petitioner is working as a labourer and opposite party has fled away and once he went to bring her but she was not allowed to come back. However, he has admitted



that no maintenance is given to her.

Learned Family Court, after considering the entire evidence, has come to the conclusion that marriage is admitted between the parties and according to evidence adduced on behalf of opposite party-wife, she was driven out from the matrimonial house and she has no source of income, whereas husband-petitioner is a labourer and considering the circumstances learned Family Court has assessed income of the petitioner-husband is not less than Rs.9000/- per month and considering the same he has passed the order granting maintenance of Rs.3000/- per month to the opposite party-wife.

Considering the aforesaid facts and circumstances, I find no illegality or impropriety in the impugned order.

Accordingly, this application is dismissed.

However, it is still open to the petitioner and opposite party, if they so desire, to move together before the Family Court for reconciliation between the parties.

(Vinod Kumar Sinha, J)

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