

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.416 of 2016

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

Subodh Kumar Sah, S/o late Doman Sah, R/o Mohalla- Maheshpur Aleganj,
PS Mojahidpur, District Bhagalpur.

... .. Petitioner

Versus

1. Smt. Renu Devi, W/o Subodh Kumar , D/o Naresh Prasad Sah
2. Sonu Kumar, S/o Sri Subodh Kumar Sah, Both are resident of Village-
Barahat, PO Barahat, PS Barahat, District Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha
For the Respondent/s : Mr. Dharendra Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 09-05-2019 This application has been filed against the order dated 10.3.2016 passed by the Principal Judge, Family Court, Banka in Misc. Case No. 20 of 2001/Trial No. 155 of 2016, by which the application of opposite party Nos. 1 and 2 filed under Section 125 Cr.P.C. has been allowed and the petitioner was directed to pay Rs.2000/- each per month to opposite party Nos. 1 and 2, altogether Rs.4000/-.

Learned counsel for the petitioner confined his prayer only on the quantum of maintenance amount and he has not challenged the finding on the factum of marriage between the parties as well as she being deserved by the petitioner and submitted that learned Family Court has itself assessed the



income of the petitioner as Rs.7500/- per month on the ground that he is a labourer and is getting Rs.250/- per day and on the basis of the same learned Family Court allowed the maintenance amount of Rs. 4000/- to opposite party Nos. 1 and 2, which is more than 50% amount of his income as assessed by the Family Court.

On the other hand, learned counsel for the opposite parties has submitted that he has brought evidence on record showing the income of the petitioner of Rs.15000- 20,000/- and as such the amount of Rs.4000/- is not excessive.

Having heard both sides and considering the argument of the petitioner with respect to quantum of maintenance amount allowed by learned Family Court, as such, this Court is not going to the other aspects of the matter. However, from perusal of the judgment it appears that learned Family Court has found that monthly income of the petitioner was Rs.7500/- per month, which will appear from paragraph-14 of the judgment, and no document has been produced on behalf of opposite parties in that regard. However, it appears that in spite of the finding that petitioner is earning Rs.7500/- per month the learned Family Court has ordered for maintenance of Rs.4000/- per month, which appears to be excessive, as it is more than the



settled principle of 1/3rd ratio for which the opposite parties are entitled.

In such view of the matter, without interfering with the other findings, the award of maintenance is reduced to Rs.1500/- per month to opposite party No.1 and Rs.1000/- to opposite party No.2, total Rs. 2500/-.

As it has been submitted on behalf of opposite parties that no payment has been made till date, as such, opposite parties are at liberty to move before the Family Court for realisation of the arrears of amount as well as current amount and learned Family Court will consider the same and pass appropriate order within a period of three months.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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