

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.773 of 2016

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

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Jai Ram Singh son of Dharm Nath Singh R/o village - Afaur, P.S. - Khaira,
District - Chapra.

... .. Petitioner/s

Versus

1. State of Bihar
2. Urmila Devi W/o Jai Ram Singh at present R/o village - Banno, P.S. -
Khaira, District - Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra
For the Respondent/s : Mr.Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 05-08-2019 This revision application has been filed against order dated 10.6.20016 passed in Cr. Misc. No.8 of 2012 by the Learned Principal Judge, Family court, Saran at Chapra, whereby and whereudner he has allowed the application filed by the Opposite Party No.2 for enhancement of the amount of the maintenance under Section 127 of the Code of Criminal Procedure and directed the petitioner to pay Rs.2,000/- per month to the Opposite Party No.2.

Facts giving rise to this application in short is that earlier maintenance of Rs.500/- each was granted to the Opposite Party No.2 and her three children by the learned Family court. Thereafter O.P.No.2 has filed an application for



enhancement of the same under Section 127 of the Cr.P.C. on the ground of increase in the cost of the living and prayed for maintenance of Rs.10,000/- per month. It further appears that petitioner-husband has also filed written statement for reduction of the maintenance on the ground that she is a skilled lady and having sufficient income of herself. The learned Family court judge, finding that as children of the O.P.no.2 have become major, has stopped the grant of maintenance to them, vide impugned order dated 10.6.2016 but allowed the maintenance in the case of O.P.no.2 Rs.2,000/- per month.

Being aggrieved by the same, petitioner has filed this application on the ground that sons of the O.P.no.2 are earning handsome money and they are maintaining her also but in spite of that her maintenance has been enhanced to Rs.2,000/- per month, on the other hand the petitioner has no income of his own, as a matter of fact it is the petitioner who needs the maintenance now.

Heard learned A.P.P. and the learned counsel for the O.P.no.2, who has opposed this application on the ground that no application has been filed by the petitioner for his maintenance rather order has been passed on the application filed by the O.P.no.2 for enhancement. Furthermore even if it is



believed that sons of the O.P.no.2 are earning handsome money, even spite of that Opposite Party no.2 is entitled for maintenance from petitioner as he is her husband.

Having heard both sides and from perusal of the record, it appears that though by impugned order maintenance amount of sons of the O.P.no.2 has been stopped on the ground that they have become major and earning handsome money but the amount of the maintenance of the O.P.no.2 has been enhanced to Rs.2,000/- per month from Rs.500/-. It appears that the learned counsel for the O.P.no.2 has rightly submitted that being legally wedded wife of the petitioner, she is entitled for maintenance for herself and so far award of Rs.2,000/- to the Opposite Party No.2 is concerned, that does not appear to be exorbitant.

Considering the above facts and circumstances, I find no merit in this application, as such this Revision Application is dismissed.

Vinod Kumar Sinha, J)

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