

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.129 of 2018

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

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Sunil Kumar Jha @ Sunil Jha Son of Harinandan Jha, Resident of Village-
Keota Ansh Tole Lodipur, P.S. Dalsingsarai, District Samastipur, Presently, at
Behra Munda Road, near Shiv Mandir, P.S. Ethapali, District Sambalpur
Orissa.

... .. Petitioner/s

Versus

Sunita Devi @ Sunita Jha wife of Sunil Kumar Jha @ Sunil Jha and daughter
of Ram Naresh Jha, Resident of Village- Partapur, Post- Muktapur B.O., P.S,
Kalyanpur, District- Samastipur.

... .. Opp.Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 16-07-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has moved the Court under Section
19(4) of the Family Courts Act, 1984 being aggrieved by the
judgment and order dated 13.11.2017 passed by the Principal
Judge, Family Court, Samastipur in Maintenance Case No. 77 of
2014 (Registration No. 588 of 2014) by which the petition under
Section 125 of the Code of Criminal Procedure, 1973 filed by the



opposite party, who is the wife of the petitioner, has been allowed and he has been directed to pay Rs. 5,000/- per month to the opposite party and Rs. 1500/- each to the two children born out of the wedlock, the total coming to Rs. 8,000/-.

3. Learned counsel for the petitioner submitted that he is poor and cannot afford to pay Rs. 8,000/- per month and, thus, the amount be reduced. He further submitted that he has filed a petition for divorce.

4. Learned APP submitted that the order impugned is well considered and the petitioner is solvent to pay the amount.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any merit in the present application.

6. The order is well discussed based on materials before the Court, including deposition of witnesses. Moreover, the fact that the petitioner is not keeping the opposite party and his two children with him speaks volumes about his conduct. However, be that as it may, the Court finds that the reason given by the Court below in the impugned judgment and the quantum fixed as monthly maintenance are justified, reasonable and based on materials available before the Court. Thus, the same does not warrant any interference by this Court.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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