

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 203 of 2018

Arising out of
Miscellaneous Appeal No. 981 of 2017

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

=====

Ravi Kishore Chaudhary @ Bittu, Son of Sri Yugal Kishore Chaudhary,
Resident of Mohalla-New Colony Balughat, P.O. Head Post Office, P.S.
Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

Manisha Kumari @ Manisha Choudhry Wife of Ravi Kishore Chaudhary and
daughter of Bihari Lal Prasad, Resident of Mohalla- Chabal Bazar Raxaul, PO
& PS Raxaul, District- East Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the Opposite Party No. 2	:	Mr. Subodh Kumar Jha, Advocate
For the State	:	Mr. Md. Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioner and learned
counsel for the opposite party.

2. The petitioner has moved the Court under Section 19
(4) of the Family Courts Act, 1984, against the order dated
26.07.2017 passed in Maintenance Case No. 58 of 2013, by the
Principal Judge, Family Court, East Champaran at Motihari
awarding Rs. 7,000/- per month as maintenance to the opposite
party, who is his wife and the minor son and for the period
16.05.2016 till 30.06.2017, Rs. 3,000/- as ad interim maintenance.



3. Learned counsel for the petitioner submitted that he earns only Rs. 5,000/- per month as salary and, thus, is not in a position to pay the amount fixed by the Court below. It was submitted that the petitioner was ready to keep the wife and the son with him but it is the opposite party who does not want to live with him. It was further submitted that the petitioner was ready to pay the maintenance for his son which should go directly into his account and for the wife, the amount be reduced.

4. Learned counsel for the opposite party submitted that the petitioner is financially strong as his family owns oil mill and has also sufficient landed property. It was submitted that the petitioner, only to create a record, started filing income tax return from the year 2014-15 i.e., after filing of the maintenance case. It was further submitted that even the so called job of a salesman fetching Rs. 5,000/- per month is for taking a defence before the Court for frustrating the genuine demand of the opposite party. It was submitted that the defence witness no. 2 has stated in his cross-examination that the father of the petitioner was owner of the oil mill.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the order impugned needs no interference. The same is



well considered based on cogent reasons and correct appreciation of the materials as well as statement of witnesses. In fact, this Court was of the opinion that the amount be enhanced but has refrained from doing so.

6. For reasons aforesaid, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

