

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.844 of 2018

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

Madhusudan Ram, Son of Ram Vilash Ram, Resident of Village- Phulwaria
Ganj, P.S.- Phulwaria, District- Begusarai.

... .. Petitioner/s

Versus

1. Manju Kumari, Wife of Madhusudan Ram, Daughter of Surayanarayan Ram,
2. Bambam Kumar, Son of Madhusudan Ram,
3. Brajesh Kumar, Son of Madhusudan Ram,
O.P. Nos. 2 & 3 are minor under the care of their mother namely Manju Kumari (O.P.No.1)(All resident of Village- Rampur- Kalyanpur, P.S.- Matihani, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Fahimuddin
For the Respondent/s	:	Mr.Hare Krishna Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 26-03-2019

Heard parties.

This criminal revision petition has been filed for setting aside the order dated 19.07.2017 passed by Principal Judge Family Court, Begusarai in Maintenance Case No. 106 M/ 2013 by which petitioner has been directed to pay Rs. 4000/- per month as maintenance to opposite party no. 1 and Rs.2000/- each to the opposite party nos. 2 and 3 till they attain majority.



Opposite party No. 1 (wife of the petitioner) had filed a maintenance case in the Court of Principal Judge, Family Court Begusarai claiming maintenance for her and two sons of Rs. 12,000/- per month. The marriage between the petitioner and opposite party no. 1 was solemnized in the year 1999 and from said wedlock, two children were born. Opposite party No. 1 was pressurized to bring Rs. 50,000/- from her parents and for non-fulfillment of which, she was being tortured and ousted from matrimonial home and she had to take shelter in her parental home along with two minor sons. It has been stated in the maintenance petition that opposite party No. 1 is unable to maintain herself and her two minor sons as she has no source of income whereas petitioner is working as a computer operator in a transport company and is earning Rs.15,000/- to Rs.20,000/- per month. Petitioner has got ancestral agricultural land also which provides annual income of rupees fifty to sixty thousand. Petitioner also runs dairy farm which gives income of rupees seven to eight thousand per month. Notices were issued to petitioner and he appeared through his counsel, however he did not contest the matter and the case was decided *ex parte*. In support of her maintenance case, 3 witnesses were examined on behalf of the opposite party (wife). P.W. 1 Manju Kumari is



opposite party herself. P.W. 2 Suryanarayan Ram is father of opposite party and PW 3 Meena Devi is mother of opposite party who have supported the case of opposite party (wife) in their deposition before the family court. It was also stated that petitioner had taken the golden chain and ear ring of opposite party (wife) in order to seek the job. They have disclosed the income of petitioner as Rs.18,000/- per month. Ext. 1 which is a compromise petition has been produced by the opposite party (wife) in which petitioner had agreed to pay maintenance amount to his wife and sons. In the maintenance case, although petitioner had appeared but he did not file any show cause and the matter was referred to the Mediation Center but he also did not appear there as a result, the family court had no option but to decide the matter on the basis of material available on record and after due consideration directed the petitioner to pay Rs. 4,000/- as maintenance to opposite party (wife of petitioner) and Rs.2,000/- each to the two minor sons till they attain their majority.

The delay in filing the criminal revision petition was condoned vide order dated 25. 01. 2019. Notices were issued to opposite party No. 1 and she has appeared.

After hearing the parties and perusing the order passed



by the family court, this Court does not find any error, infirmity, illegality in the order passed by the family court. Accordingly, the present revision petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2019
Transmission Date	02.04.2019

