

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.182 of 2018

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

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Amit Ranjan @ Amit Ranjan Sinha, aged about 39 years, S/o Sri Manoranjan Kumar Verma, R/o Village- Cheriya, Bariyarpur, P.O. and P.S.- Cheriya Bariyarpur, District- at present Mahavir Colony Saichak, P.O. and P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt Bharti Sinha, aged about 37 Years, W/o Amit Ranjan @ Amit Ranjan Sinha, R/o Vill./Mohalla- E-2, Sadhnauri, Gardanibagh, P.O.- G.P.O., P.S.- Gardanibagh, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra
For the Respondent/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 11-03-2019

Heard Parties.

This criminal revision has been filed for setting aside the order dated 9.11.2017 passed by learned Principal Judge, Family Court, Patna in Maintenance Case No. 391 (M) of 2016 by which the learned Family Court has directed to pay a sum of Rs.5,000/- per month as interim maintenance to opposite party no.2 and also to pay a sum of Rs.15,000/- as one time lump sum litigation cost.

Opposite party no.2 wife of petitioner had filed a Maintenance Case giving rise to Maintenance Case No.391(M) of 2016 in the court of Principal Judge, Family Court, Patna. It



is stated in the petition of opposite party no.2 that marriage between the parties were solemnized on 6.7.2014 as per Hindu Rites and rituals and opposite party no.2 went to her matrimonial home but was ousted from her matrimonial home on 13.12.2014 for non-fulfillment of demand of rupees ten lacs as dowry and, thereafter, was forced to reside in her parental home. Petitioner is a guest faculty in Patna University and is having good income from teaching and has also substantial income from agriculture whereas opposite party no.2 has no source of income and is unable to maintain herself as such she is entitled for maintenance. Opposite party no.2 filed an application on 12.6.2017 for interim maintenance for grant of Rs.25,000/- as interim maintenance during pendency of maintenance case.

Opposite party no.2 has stated in her petition that husband of the petitioner has income of Rs.90,000/- as guest faculty of Patna University and also Rs.35,000/- from other institution, i.e., I.G.N.O.U. and Nalanda University and rupees two lacs from agriculture. However, no supportive document has been produced by opposite party no.2 in the family Court with respect to income of petitioner. Petitioner has denied and has stated that his income is Rs.4,000/- per month and his



salary is not fixed and is based upon classes taken by him. He is not an income tax payee as such, he does not file income tax return. He has no income from agriculture or landed property in village and resides permanently in Patna and is ready to keep opposite party no.2 and for which he has already filed Matrimonial Case No. 5999 of 2014 for restitution of conjugal rights whereas opposite party no.2 has filed two cases against petitioner being Beur P.S. Case No.289 of 2014 under Section 498A of IPC and 3/4 of DP Act and another case being Beur P.S Case No.41 of 2015 for abusing and assaulting. It has further been submitted by opposite party no.2 that application of petitioner for restitution of conjugal right has already been dismissed and even though there is order of interim maintenance passed in favour of opposite party no.2 but till date, nothing has been paid as interim maintenance by the petitioner. Petitioner at the time of hearing of anticipatory bail filed by him, undertook to take opposite party no.2 with him but on account of violation of undertaking, his bail bond was cancelled and he was taken into custody and his regular bail petition was also dismissed and he also denied to live with his wife before the court below.

At the request of parties, the matter was referred to



Mediation Center of Patna High Court and a report dated 8.3.2019 has been submitted by the Mediator that in spite of his best and sincere efforts, the dispute between the parties could not be resolved to the process of mediation as both the parties are adamant on their stand. As a result of which mediation has failed.

The learned Principal Judge, Family Court after hearing the parties, has directed to pay interim maintenance of Rs.5000/- per month to the opposite party no.2 and litigation cost of Rs.15,000/- as one time lump sum amount which appears to be quite reasonable and modest.

After hearing the parties and going through the order passed by Family Court, this Court does not find any error, illegality or irregularity in the order passed by Family Court, requiring any interference by this Court in its revisional jurisdiction, accordingly, the criminal revision petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2019
Transmission Date	19.03.2019

