

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 254 of 2018

Arising Out of Maintenance Case No.- 19 Year-2017 Thana- District- Katihar

Md. Mustaquim @ Mustakim, Son of Ismail Resident of Village- Lalpur
Police Station Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nastarun Nisha, Wife of Md. Mustaquim, Daughter of SK Wahid at present resident of Village- Shekhpur, Police Station Kadwa (Balua Belone O.P.), District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar and Mr. Parwej Ali, Advocates
For the Opposite Party/s:	:	Mr. Najeeb Ahmad, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 14-10-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984, against the order dated 30.10.2017 passed in Maintenance Case No. 19 of 2017, by the Principal Judge, Family Court, Katihar by which the petitioner has been directed to pay monthly maintenance of Rs. 3,000/- to the opposite party no. 2, who is his wife and Rs. 2,000/- to the child as interim maintenance.

3. Learned counsel for the petitioner submitted that the opposite party no. 2 has herself run away from the matrimonial home along with the child and that the petitioner is a poor daily



wage earner. It was further submitted that an amount of Rs. 5,000/- per month is exorbitant.

4. Learned APP and learned counsel for the opposite party no. 2 submitted that the petitioner has sufficient income as he is running a cloth shop and also got 40 bighas of agricultural land. It was further submitted that even if the plea of the petitioner is accepted that he has closed the shop, the same would not help him as he is required to earn sufficiently so as to provide for and support the wife and child, who are his responsibility.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any ground to interfere in the order impugned. The fact that the opposite party no. 2 is the wife, who has been awarded Rs. 3,000/- per month and the child Rs. 2,000/- per month i.e., a total of Rs. 5,000/- per month in no way can be said to be exorbitant or unjustified even if it is assumed at the lowest that the petitioner earns only by way of daily wages.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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