

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.189 of 2018

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

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Rajeev Kumar Keshri son of Late Vishwesh Kumar Keshri @ Vishwesh Kumar, Resident of C/9/9239 Basant Kunj South, P.S. Basant Kunj, District West Delhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarita Keshri, wife of Rajeev Kumar Keshri, D/o Rajendra Pd Keshri, Resident of C/9/9239 Basant Kunj South, P.S. Basant Kunj, District West Delhi, at present residing at Bhagat Toli, P.S. and District Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Md. Arif, APP
For the O.P. No. 2	:	Mr. Amal Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-07-2019

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 being aggrieved by the judgment and order dated 11.10.2017 passed by the Principal Judge, Family Court, Kishanganj in Maintenance Case No. 2 of 2016/CIS No. 2 of 2016/Trial No. 2 of 2016 by which he has been directed to pay Rs. 4,000/- per month each to the opposite party no. 2, who is his wife, as well as the son and the daughter, the total being Rs. 12,000/- per month.



3. Learned counsel for the petitioner submitted that he has no property of his own and does not earn enough to be able to pay the amount to the opposite party no. 2 and the two children. It was further submitted that the petitioner has been paying Rs. 5,000/- per month to the opposite party no. 2 and the son and the daughter.

4. Learned APP and learned counsel for the opposite party no. 2 submitted that in the trial witnesses have been examined and on contest the Court has fixed an amount of Rs. 4,000/- each in favour of the opposite party no. 2 and her son and daughter. It was submitted that the Court has taken into consideration the evidence which has come which indicated ancestral house, both at Buxar and Delhi and even otherwise, the petitioner has admitted that he does private job at Delhi. Learned counsel submitted that such amount of Rs. 4,000/- each for three individuals is in fact not adequate and the opposite party no. 2 had prayed for payment of Rs. 10,000/- to her and Rs. 5,000/- each to the two children, i.e., Rs. 20,000/- per month but the Court below has been very lenient with the petitioner by directing for payment of only Rs. 12,000/- per month for all three persons.

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. The petitioner being the husband of opposite party no. 2 and having two children cannot shirk his responsibility of maintaining them. On quantum, suffice to say that Rs. 4,000/- each is totally reasonable and justified. Moreover, there being a finding which has gone unrebutted with regard to the ancestral property at Buxar and a flat at Delhi owned by the family as also the admission that the petitioner is having a private job at Delhi, the Court finds that the amount fixed by the Court below is justified from all aspects, both in law as well as on facts.

6. Accordingly, the application stands dismissed. The Court below shall ensure that up-to-date payment is made by the petitioner in favour of the opposite party no. 2 and her two children, expeditiously and latest within two months from the date of production of a copy of this order before the Court below. The petitioner shall further be obliged to keep paying the amount regularly on a month to month basis in terms of the order impugned.

(Ahsanuddin Amanullah, J)

Anjani/-

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