

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 498 of 2018

Arising Out of Maintenance Case No.- 338 Year-2016 Thana- District-

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Rakesh Ranjan @ Munna Son of Late Narayan Chaudhary, Resident of
Village- Thumha, P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Kumari @ Mamta Chaudhary Wife of Rakesh Ranjan @ Munna
Daughter of Manoj Chaudhary, at present Resident of Village- Thaikpura,
P.S.- Raniganj, District- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	None
For the Opposite Party/s	:	None
For the State	:	Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-08-2019

Nobody appears on behalf of the petitioner. Learned
APP for the State has assisted the Court.

2. On 14.02.2019, nobody had appeared on behalf of the
petitioner and the matter was adjourned. On 21.02.2019, on prayer
made, the matter was adjourned. On 28.02.2019 also, on prayer
made, the matter was adjourned. Thereafter, the matter admitted
and the Court had directed the petitioner to pay Rs. 6,000/- per
month to the opposite party no. 2, whereas, the order of the Court
below was for paying Rs. 12,000/- per month which is under
challenge in the present application.



3. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984, against the judgment and order dated 06.02.2018 passed by the Principal Judge, Family Court, Araria in Maintenance Case No. 338 of 2016, by which the petition filed by the opposite party no. 2, who is his wife, under Section 125 of the Code of Criminal Procedure, 1973 has been allowed granting Rs. 12,000/- per month as maintenance to her.

4. Learned APP submitted that the judgment of the Court below is well considered and based on the evidence adduced. It was submitted that during evidence, three witnesses were examined on behalf of the opposite party no. 2 and four witnesses on behalf of the petitioner and their depositions have been considered by the Court, both with regard to the neglect and quantum of maintenance fixed. It was submitted that the Court has noticed that even the petitioner himself had admitted that he had purchased a truck and just because there was a loan of Rs. 25 lakhs, would not mean that the petitioner is not in a position to pay the amount to the wife *moreso*, as the cost of a truck runs into much more than Rs. 25 lakhs and it shows that the petitioner is earning sufficiently to meet the installments of the loan as only Rs. 25 lakhs remains for payment, which obviously is spread for over many years. It was submitted that the Court has also noticed



the fact that the stand of the petitioner that the opposite party no. 2 was earning Rs. 1,000/- to Rs. 1,500/- per day was not supported by any cogent evidence brought on record.

5. Having considered the facts and circumstances of the case and submissions of learned APP and upon going through the judgment impugned, the Court finds that the same is well considered and based on materials on record. Further, in the facts and circumstances of the case, an amount of Rs. 12,000/- in favour of the opposite party no. 2 does not appear to be unreasonable or exorbitant.

6. Accordingly, for reasons aforesaid, the application stands dismissed.

7. However, as the Court had granted indulgence to the petitioner by allowing him to deposit only Rs. 6,000/- per month during the pendency of the present application, the liability to pay Rs. 12,000/- per month to the opposite party no. 2 in terms of the impugned judgment and order dated 06.02.2018 shall commence from the present month i.e., August, 2019.

8. Accordingly, the petitioner shall clear his up-to-date dues in terms of the earlier order of the Court at the rate of Rs. 6,000/- per month and thereafter, from the 10th of the next month,



he shall be obliged to pay Rs. 12,000/- per month to the opposite party no. 2, i.e., from August, 2019 onwards.

9. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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