

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 409 of 2018

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

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Manoj Yadav @ Manoj Kumar Yadav Son of Radha Yadav, Resident of
Village Bangra Bujurga, P.S. Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi, Wife of Manoj Yadav, daughter of Shalik Yadav, Resident of
Village Bangra Bujurga, P.S.- Barharia, District Siwan, at present resident
of Village Rampur Mukund P.S. Bishambharpur, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-11-2019

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has moved the Court for setting aside
the judgment and order dated 19.02.2018 passed by the learned
Principal Judge, Family Court, Gopalganj in CIS Case No.
Maintenance 175 of 2010 by which Rs. 1,500/- per month has
been allowed in favour of the opposite party no. 2, who is the wife
and Rs. 7,50/- in favour of the minor son, the total being Rs.
2,250/-.

3. Learned counsel for the petitioner submitted that he is
not contesting on the quantum but in view of the fact that some



land has been transferred by the father of the petitioner in favour of opposite party no. 2, the same being for maintenance, no further order was required.

4. Learned APP submitted that the order impugned itself stated that the opposite party no. 2 had deposed that the execution of transfer deed was only on paper, as possession has not been given of the land in question. It was further submitted that even if some land was given, that would only account for a place where the opposite party no. 2 and her son could reside, but the same is meaningless for the reason that the construction was required on the land and more importantly, besides a place of living, the wife and the son need money to live a reasonable life. It was submitted that in such background Rs. 2,500/- is most reasonable and in fact on the lower side.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not finds any merit in the present application.

6. Accordingly, the same stands dismissed.

(Ahsanuddin Amanullah, J.)

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