

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.695 of 2018

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

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Mukesh Kumar Sah S/o Krishna Prasad Sah, R/o Village- Rajendra Gram,
Durga Asthan Paswan Tola, P.S.- Nagar, District- Katihar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Reena Devi, W/o Mukesh Kr. Sah, R/o Village- Rajendra Gram Durga
Asthan, Paswan Tola, P.S.- Nagar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey
For the Respondent/s : Mr.Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 22-02-2019

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

This criminal revision has been filed for setting aside
the order dated 12.04.2018 passed in Maintenance Case No. 186
of 2016 by which Principal Judge, Family Court, Katihar has
directed to pay interim maintenance of Rs. 3000/- per month
from the date of order.

Marriage of petitioner was solemnized with opposite
party No. 2 as per Hindu Rites and Customs in the year 2003 but
no children were born from this wedlock and allegation is
against husband and other members of family of torturing and
demanding Rs. one lakh as dowry. Opposite Party No. 2 was



ousted from her matrimonial home and she had to take shelter in her parental home with her aged parents. It has been further alleged that petitioner has solemnized 2nd marriage and opposite party No. 2 was left unattended and uncared, as such she had filed Maintenance Case before the family court.

It has been stated that petitioner's monthly income is between Rs. 25,000-30,000/- whereas opposite party No. 2 has no source of income and she is unable to maintain herself, as such during pendency of maintenance case, interim maintenance of Rs. 7000/- per month should be granted to her. Petitioner had appeared in the family court and filed his show cause stating therein that the 2nd marriage was solemnized on consent given by opposite party No. 2 and he is a vegetable seller earning Rs. 5000/- –Rs. 8000/- per month and from such meager earning he has to maintain his family.

It has further been submitted on behalf of the petitioner that opposite party No. 2 is residing in his house which is an admitted position accepted by opposite party No. 2 and grievance of opposite party No. 2 is that petitioner is living with his 2nd wife and two children having born from said wedlock and thereafter opposite party No. 2 is being neglected and even food is not provided to her and many a times she is



driven out of her matrimonial house. The parents of opposite party No. 2 used to help her but now they have also become old and are not in a position to provide any further help. The petitioner has stated that opposite party No. 2 has her own earning as she runs tailoring shop and also works as a Munshi in civil court, as such she is not entitled for any maintenance.

After considering the rival submission of both the parties, the family court has granted Rs. 3000/- as interim maintenance during pendency of maintenance case.

After going through the order passed by family court, Katihar, this Court does not find any illegality, irregularity or error in the order passed by the family court, as such I am not inclined to interfere in said order, as a result criminal revision petition is dismissed.

veena/-

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

