

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.863 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

=====

Shyam Kumar, Son of Lakhandeo Singh, @ Lakhan Deo, resident of
Village Sarmastpur Pakari P.S. Sakra District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Roji Kumari, Wife of Shyam Kumar, resident of Village Sarmastpur, Pakari,
P.S. Sakra, District- Muzaffarpur, D/o Pyare Lal Singh, at present Residing
at Village Huena Khurd, P.S. Goraul, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh
For the Respondent/s : Mr. Ajay Kumar-1

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 28-02-2019

Heard parties.

This criminal revision application has been filed for setting aside the order dated 19.05.2018 passed by Principal Judge, Family Court, Vaishail at Hajipur in Maintenance Case No. 74 / 2017 by which petitioner has been directed to pay Rs. 6000/- per month as maintenance to opposite party no.2 from date of filing of maintenance case.

Opposite party no.2 Roji Kumari was married to petitioner on 25.11.2015 as per Hindu Rites and Customs and at the time of marriage, gifts and presents in form of cash and articles were given to petitioner/husband but when opposite party no.2 went to her matrimonial home, she was being



tortured for non-fulfillment of demand of motorcycle by petitioner. She was also subjected to abuse and assault and after 10 days, she was compelled to return to her parental home. Thereafter, a Panchayati was held and on assurance given by petitioner/husband and his family members that she will be kept in her matrimonial home with dignity and honour, petitioner/husband took her to her matrimonial home on 05.04.2017 but again she was abused and assaulted for demand of dowry and she was ousted from her matrimonial house and her father took her to her parental home on 12.04.2017.

Opposite party no.2 thereafter filed a case for grant of maintenance in which notices were issued to petitioner and he appeared before the family court through his counsel had contested the case.

Petitioner is a driver of train in Railway Department and is getting Rs.30,000/- per month and also has landed property generating income of rupees one lakh per year, whereas opposite party no.2 has no source of income and is unable to maintain herself and she is entitled for maintenance.

In support of her case, opposite party no.2 has examined three witnesses. P.W. 1 is opposite party no.2. P.W. 2 is Pyare Lal Singh, father of opposite party no.2. P.W. 3 is Hira



Lal Singh, grand-father of opposite party no.2 and they have fully supported the claim of opposite party no.2 and although petitioner had appeared before the Family Court but did not contest the matter and also did not cross-examine the witnesses adduced on behalf of opposite party no.2 nor led any evidence to deny the claim of opposite party no.2. The factum of marriage is not disputed and after considering the claim of opposite party no.2 and also finding that petitioner is a government servant having sufficient income whereas opposite party no.2 has no source of income and unable to maintain herself has passed an order for grant of maintenance of Rs.6,000/- per month to opposite party no.2 from date of filing of petition.

After hearing the parties and considering the materials available on record as well as order passed by the Family Court, this Court does not find any error, irregularity or illegality in the order passed by the Family Court as such, no interference is required from this Court in its revisional jurisdiction and, accordingly, the criminal revision petition is dismissed.

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.03.2019
Transmission Date	11.03.2019

(S. Kumar, J)

