

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.348 of 2016

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

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Neelam Devi Wife of Rajesh Yadav, D/O Yamuna Yadav Resident of Village-
Bakharpur, Police Station Pirpanty District Bhagalpur.

... .. Petitioner/s

Versus

Rajesh Yadav son of Ramlagan Yadav Resident of Village-
Shobhanpurbhattha, Police Station Sahebganj Muffassil, District Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ramashray Roy

For the Respondent/s : Mr.M.Dayalapp

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 02-05-2019 This revision application has been preferred against the order dated 10.10.2015, passed by Principal Judge, Family Court, Bhagalpur in Misc. (Maintenance) Case No. 10/2009, by which, the learned Principal Judge, Family Court has allowed Rs. 3,000/- per month to the petitioner towards her maintenance on the ground that the Principal Judge, Family Court, Bhagalpur, without assessing the real income of opposite party, who is employed as an A.S.I. in police department and is getting a handsome salary and without asking for production of monthly salary slip of opposite party, has passed the order granting maintenance of only Rs. 3,000/-, which is not sustainable in the eye of law.

Learned counsel for the opposite party has appeared



and he failed to satisfy this court as to on which post, he is working in the police department and also could not disclose the salary being drawn by him per month, though he had filed detailed counter affidavit.

From perusal of the impugned order, it appears that the learned Family Court has come to the conclusion that the petitioner is legally wedded wife of opposite party and she has been deserved by opposite party and she also has no independent source of income.

Considering the facts and circumstances of the case and also the quantum of maintenance, though the opposite party is working in the police department and is a Government employee but he was not asked to produce the current monthly salary slip and I find force in the submission of learned counsel for the petitioner that without assessing the real income and without perusing the salary slip of the petitioner, the order has been passed in slapdash manner.

Accordingly, order dated 10.10.2015, passed by Principal Judge, Family Court, Bhagalpur in Misc. (Maintenance) Case No. 10/2009, so far quantum of maintenance is concerned, is set aside and the matter is remitted back to learned Principal Judge, Family Court, Bhagalpur to



pass afresh order within a period of six months after re-assessing the quantum of maintenance and after hearing both the parties and also after verifying the actual income of the opposite party. At the same time, opposite party is directed to produce his current salary slip in the court of Principal Judge, Family Court, Bhagalpur within a period of one month.

Needless to say both the parties shall cooperate in expeditious disposal of the case.

With the above observation, this application is allowed.

(Vinod Kumar Sinha, J)

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