

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.339 of 2018

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Md. Sirajul S/o Md. Fochba R/o Korobari, Post - Sitalmani, P.S. Azamnagar,
Distt - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ruksana Khatoon W/o Md. Sirajul, D/o Wakiluddin R/o Kaliganj, Post -
Sitalmani, P.S. - Azamnagar, Distt - Katihar.

... .. Opp. Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Bal Mukund Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 13-11-2019

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

2. The petitioner has moved the Court against the order dated 28.02.2017 passed by the Additional Principal Judge, Family Court, Katihar in Maintenance Case No. 213 of 2012 by which he has been directed to pay Rs. 2,500/- per month to the opposite party no. 2, who is his wife and Rs. 1000/- per month to the children, the total being Rs. 3,500/- per month.

3. The undisputed fact is that the petitioner is the husband of the opposite party no. 2 and there are two minor daughters born out of the wedlock.

4. Learned counsel for the petitioner submitted that he is a painter and shall not be able to bear the burden of paying Rs.



3,500/- per month. It was further submitted that before the Court below reconciliation failed and the petitioner is ever ready to keep the wife and two daughters with him.

5. Learned APP submitted that Rs. 3,500/- per month is not only most reasonable but in fact quite low and even for a daily wager to pay the amount is easy. It was submitted that even if the petitioner works as a painter not for the whole month, he shall be earning sufficiently to comfortably make payment of Rs. 3,500/- per month to the wife and two minor daughters, and the order requires no interference.

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

7. As the marriage and the birth of two daughters is not denied, the amount of Rs. 3,500/- per month even if judged on the parameter that the petitioner would be earning through daily wage and, that too, not working for the whole month, such amount is most reasonable and just.

8. In view thereof, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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