

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.207 of 2017

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

Ashok Kumar Jha, son of Late Nitya Nand Jha, resident of village Shivdham Madhubani, P.S. Khajanchi Hat, District Purnea

... .. Petitioner

Versus

1. Munni Devi @ Munni Jha, wife of Ashok Kumar Jha, daughter of Hari Kant Jha, resident of village Shivdham Madhubani, P.S. Khajanchi Hat, District Purnea at present residing at village Ragheli, P.S. Dandkhora, District Katihar

2. Ganga Kumari @ Sonu, daughter of Ashok Kumar Jha

3. Arya, daughter of Ashok Kumar Jha, O.P. Nos. 2 and 3 are minor represented through their mother, resident of village Shivdham Madhubani, P.S. Khajanchi Hat, District Purnea, at present residing at village Ragheli, P.S. Dandkhora, District Katihar

... .. respondent/opp. parties

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar, Advocate

For the Respondent/s : none

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-01-2019 This revision application has been filed against the order dated 4.5.2016 passed by Principal Judge, Family Court, Katihar by which petitioner was directed to pay Rs.5000/- per month to his wife, opposite party No.1 as ad-interim maintenance.

Case of the petitioner, in short, is that opposite party No.1 has filed a maintenance case before the Family Court, Katihar stating that her marriage was solemnized with the petitioner and thereafter petitioner started demanding of Rs.3 lakhs as dowry and she has two daughters from the wedlock and further case of opposite party No.1 is that her husband and his family members plotted to kill her and she was rescued by her parents and FIR has been lodged under Section



498A and other sections of IPC and since 16.4.2013 opposite party No.1 is living in her parents' house along with her daughters and she has no income to maintain herself and the children and petitioner is a Government servant and earns Rs.30,000/- per month as salary and he also earns Rs.1,00,000/- per annum from agricultural land and since opposite party No.1 was facing starvation she filed a case for maintenance before the Family Court. On the other hand, case of petitioner is that opposite party No.1 is his legally wedded wife and story of demand of Rs.3,00,000/- and torture is false and concocted and opposite party No.1 has left the place of the petitioner and refused to live with him and as such he is deserted and he is 3rd Grade Government employee and after paying instalment of loan he is receiving Rs.8488/- per month and he is ready to maintain his wife and children.

After considering the materials available on record and also considering the evidence of witness No.2, who disclosed that petitioner is getting Rs.28,230/- per month as salary, the Family Court has allowed ad-interim maintenance of Rs.5000/- per month to opposite party No.1.

Being aggrieved by the said order, the present revision application has been filed stating that as a matter of fact petitioner is getting only Rs.12,000/- after all deductions and as such the maintenance amount is excessive.

No doubt, this revision application is not maintainable in



such cases. However, considering the fact that revision application has been filed in the year 2017 and no purpose will be served by converting the petition into a proper application and petitioner desires that this application is disposed of on the materials available on record.

On inquiry learned counsel for the petitioner submits that in the maintenance case evidence is going on in the Family Court and evidence of wife of the petitioner is likely to be concluded and furthermore the petitioner has already paid ad-interim maintenance upto the month of November, 2018 and considering all aspects of the matter, this application is disposed of with direction to learned Family Court, Katihar to dispose of the maintenance case within a period of four months, considering the evidence and documents available on the record.

In the meantime, petitioner shall continue to pay the interim maintenance.

(Vinod Kumar Sinha, J)

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