

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.624 of 2016

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

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Manoranjan Tiwary son of Hitlal Tiwary Resident of Village- Bano, P.S.-
Khijar Sarai, District- Gaya.

... .. Petitioner

Versus

1. State Of Bihar and Anr
2. Sugam Kumari wife of Manoranjan Tiwary, Daughter of Balnand Trivedi
Resident of Village- Payrepur, P.S.- Sarmera, District- Nalanda. at present
residing at Shivnar, P.S.- Mokama, District- Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Amish Kumar
For the Respondent/s : Mr.Raj Kishor Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 17-01-2019 Petitioner, who is husband, has challenged the order dated

6.4.2016 by which learned Principal Judge, Family Court, Nalanda at
Bihar Sharif, has allowed the petition filed by wife-opposite party
No.2 for enhancement of the amount of maintenance from Rs.1500/-
to Rs.10,000/- per month.

From perusal of the record it appears that opposite party
No.2-wife has filed a maintenance case before the Family Court,
Nalanda at Bihar Sharif claiming herself to be wife of the petitioner,
who was working in CISF and claimed maintenance and that has
been decided by order dated 19.1.2009 allowing maintenance of
Rs.1500/- to opposite party No.2 from the date of application. It
further appears from perusal of the record that later on a petition has
been filed by opposite party No.2- wife for enhancement of



maintenance amount as husband-petitioner was working in CISF and was getting a lump sum amount as salary per month and considering the same learned Family Court has enhanced the amount of maintenance vide impugned order dated 6.4.2016 from Rs.1500/- to Rs.10,000/- per month.

Being aggrieved by the impugned order dated 6.4.2016 the present revision application has been filed by the petitioner-husband on the ground that learned Family Court without considering the income of the petitioner has passed the order enhancing the maintenance amount more than 6-times and as such the impugned order is not sustainable in the eye of law.

On the other hand, learned counsel for the opposite party No.2-wife has submitted that petitioner is working as a Constable in CISF and he is getting salary of Rs.50,000/- per month. It has also been submitted that earlier also vide order dated 15.9.2014 amount of maintenance has been enhanced from Rs.1500/- to Rs.2500/- but the same has not been brought on record and the same has not been discussed in the impugned order.

Having heard both sides and from perusal of the record it appears that learned Family Court without coming to a finding on the income of the petitioner-husband has directed for enhancement of maintenance amount and directed to pay Rs.10,000/- per month.

It further appears that during pendency of this application notice was issued to opposite party No.2 and in the meantime



petitioner was directed to pay Rs.5000/- per month as maintenance to opposite party No.2-wife and, accordingly, petitioner is paying the same amount.

Considering the aforesaid aspects of the matter, this revision application is allowed and the impugned order dated 6.4.2016 is set aside and remitted back the matter to the Principal Judge, Family Court, Nalanda at Bihar Sharif for coming to a finding on the income of the petitioner and for passing a fresh order enhancing the amount of maintenance from the date of order dated 6.4.2016 and that must be decided within a period of two months. Petitioner is also directed to co-operate in that, otherwise he is free to pass any other order(s).

In the meantime, petitioner is directed to pay Rs.5000/- per month to the opposite party No.2 as maintenance as per order of this Court dated 7.9.2016 and the amount shall be adjusted from the amount that shall be decided by the Family Court.

(Vinod Kumar Sinha, J)

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