

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.765 of 2015

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

Saroj Kumar, Son of Ramji Yadav, resident of village-Sahugadh Tola Diwani,
Police Station - Madhepura, District - Madhepura.

... .. Petitioner

Versus

1. Nutun Devi, Wife of Saroj Kumar,
2. Priyam Kumar, under custody his mother, both resident of village - Sahugarh Tola Diwani, Police Station - Madhepura, District - Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raja Surendra Mohan
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 09-08-2019 This Criminal Revision under Section 19(4) of the Family Court Act has been filed against the order dated 03.03.2015 passed in Miscellaneous (Maintenance) Case No. 25 of 2012, whereby the learned Principal Judge, Family Court, Madhepura allowed the application of O.P. No.1 filed under Section 125 of the Criminal Procedure Code with direction to the petitioner to pay sum of Rs. 3000/- per month to O.P. No.1 for her maintenance and maintenance of her minor son O.P. No.2 Priyam Kumar.

2. Learned counsel appearing on behalf of the petitioner submits that, admittedly, the petitioner is the husband of O.P. No.1 Nutan Devi and father of O.P. No.2 Priyam Kumar



and he is still ready to keep them with full dignity, but O.P. No.1 is not ready to live with the petitioner. Further submission is that, in fact, the petitioner is the Panchayat Rojgar Sewak and he used to earn Rs. 4000/- as salary and other allowances in total Rs. 7000/-. The parents of the petitioner are also dependent upon him and as such payment of Rs. 3000/- per month as maintenance to O.Ps. No.1 and 2 is not possible for the petitioner. Further submission is that the petitioner is paying Rs. 1000/- per month to O.P. No.1 for her maintenance and her minor son O.P.No.2 in the light of order dated 16.02.2018 passed in present criminal revision.

3. Learned counsel appearing on behalf of O.P. Nos.1 and 2 submits that the salary of the petitioner has been enhanced vide Notification dated 08.03.2019 issued by the Bihar Rural Development Society, Rural Development Department, Patna by which the basic pay has been fixed for the post of Panchayat Rojgar Sewak as Rs. 6760/-. The learned counsel appearing on behalf of petitioner submits that enhanced salary has not being paid by the Government to the petitioner at present, while the Notification has been issued.

4. Having regard to the facts and circumstances of the case and taking into consideration the earning of the



petitioner, at present, the petitioner can pay Rs. 2000/- per month as maintenance to O.Ps. No. 1 & 2 from the date of impugned order dated 03.03.2015.

5. In the result, this Criminal Revision is partly allowed with direction to the petitioner to pay Rs. 2000/- per month to O.P. No.1 for her maintenance and maintenance of her minor child O.P. No.2. Since, the petitioner is paying Rs. 1000/- per month to O.P. No.1 in the light of order dated 16.02.2018 passed in this revision petition, therefore, arrears amount at the rate of Rs. 2000/- per month will be paid by the petitioner to O.P. No.1 within three months.

(Rajendra Kumar Mishra, J)

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