

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 22 of 2018

Arising Out of Maintenance Case No.- 48 Year-2015 Thana- District-

=====

Ranjeet Kumar @ Babloo, Son of Suresh Prasad Sinha, Resident of Village-
Mohaddipur, P.S. Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beauty Devi, Daughter of Uday Prasad, Resident of Chaksai, P.S. Dhanarua, District- Patna.
3. Senior Superintendent of Police, Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Satish Chandra, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-09-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the opposite party no. 2.

2. The petitioner has moved the Court under Section 19(4) of the Family Courts Act, 1984 against the order dated 18.10.2017 passed by the Principal Judge, Family Court, Jehanabad in Maintenance Case No. 48 of 2015, filed by the opposite party no. 2, who is his wife, by which he has been directed to pay Rs. 8,000/- per month as maintenance.

3. The petitioner is said to have married the opposite party no. 2 on 26.06.2009. The opposite party no. 2 alleged ouster from the house and demand of dowry and also assault, for which a



criminal case was filed by her and thereafter, she has filed Maintenance Case No. 48 of 2015, before the Principal Judge, Family Court, Jehanabad seeking maintenance. In the said case, the Court had directed for payment of Rs. 8,000/- per month as maintenance by the petitioner to the opposite party no. 2.

4. Learned counsel for the petitioner submitted that he has not married the opposite party no. 2 and the Marriage Registration Certificate has also been challenged. No other point was argued on behalf of the petitioner.

5. Learned APP and learned counsel for the opposite party no. 2 submitted that the High Court in Cr. Misc. No. 34411 of 2014, which was filed by the petitioner against framing of charge relating to Jehanabad PS Case No. 379 of 2011, has held that the petitioner was married to opposite party no. 2. It was further submitted that the petitioner himself, in the deposition before the Court below, has admitted that he receives over Rs. 30,000/- per month as salary. Learned counsel submitted that in such view of the matter, once the High Court has held that the parties are married and the petitioner admitting that he receives salary of over Rs. 30,000/- per month, fixing of Rs. 8,000/- per month, is most reasonable.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find ground to interfere in the order impugned. As has rightly been submitted by learned APP and learned counsel for the opposite party no. 2, the marriage of the petitioner with the opposite party no. 2, which till date has not been set aside and even the Registration Certificate issued with regard to the marriage holds the field, as learned counsel for the petitioner himself admitted that the same has been challenged but no order has been passed as yet, as also the fact that the petitioner himself has deposed in the proceeding that he receives salary of over Rs. 30,000/- per month, the order granting Rs. 8,000 maintenance per month to the opposite party no. 2 cannot be said to be exorbitant or unreasonable, in any view of the matter. Thus, the Court finds no ground to interfere in the order impugned.

7. Accordingly, the application stands dismissed.

8. The Lower Court Records be returned forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

