

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.188 of 2018

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

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Md. Kalam @ Md. Kamal, Son of Abdul Jabbar, Resident of Village- Bari
Tengaria, P.O.- Sukhasan, P.S.- Barari (Semapur), District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nayara Khatoon, Wife of Md. Kalam @ Md. Kamal, Daughter of Abdul Mannan, Resident of Village- Bari Tengariya, P.O.- Sukhasan, P.S.- Barari (Semapur), District- Katihar.
3. Anjara Khatoon, Daughter of Md. Kalam @ Md. Kamal, through her mother natural guardian and Well Wisher.
4. Rahmat Ali, Son of Md. Kalam @ Md. Kamal, through his mother, natural Guardian and Well Wishes. Sl. Nos. 3 and 4 are Resident of Village- Bari Tengariya, P.O.- Sukhasan, P.S.- Barari (Semapur), District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Hansraj and Mr. Mrigendra Kumar, Advocates
For the Opposite Party/s	:	None
For the State	:	Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-09-2019

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

2. The petitioner has moved the Court under Section
19(4) of the Family Courts Act, 1984, against the order dated
22.11.2017 passed by the Additional Principal Judge, Family
Court, Katihar in Maintenance Case No. 90 of 2012, by which Rs.
7,000/- has been directed to be paid per month as maintenance to



the opposite parties no. 2 to 4, who are wife and sons of the petitioner respectively.

3. Learned counsel for the petitioner submitted that no documentary evidence was produced before the Court while awarding maintenance and in the absence of the same, the quantum fixed should be interfered with. It was further submitted that the petitioner cannot afford to pay the amount.

4. Learned APP, from the impugned order itself pointed out that the petitioner has accepted that he works as mason and at today's rate, the monthly income would be not less than Rs. 25,000/- and thus, payment of Rs. 7,000/- to the wife and two sons is not only reasonable but in fact on the lower side. He submitted that the Court may enhance the maintenance on the basis of the admitted financial position of the petitioner as has come before the Court below during trial.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that the order impugned does not suffer from any infirmity, either in law or on facts. The same is well considered, based on sound reasoning, cogent materials and evidence before the Court. Further, the inferences drawn by the Court to arrive at the quantum is also sound, which needs no interference.



6. In view thereof, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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