

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31137 of 2018

In

CRIMINAL REVISION No.121 of 2016

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

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1. Sunita Devi, W/o Amresh Kumar @ Shiv Bhajan Thakur.
 2. Neelam Kumari, Daughter of Amresh Kumar @ Shiv Bhajan Thakur.
Both Residents of Village- Bara Nathu, Police Station -Rampur Chauram,
District Jehanabad. Presently resident of Village Kinjar, Post Office and P.S.
Kinjar, District Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amresh Kumar alias Shiv Bhajan Thakur, Son of Late Tapeswar Thakur,
resident of Village- Bara Nathu, P.S.- Rampur Chauram, District- Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Adv.
For the State : Mr. Jai Narain Thakur, APP
For the O.P. No. 2 : Mr. Madanjeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

8 03-07-2019 The husband/Amresh Kumar @ Shiv Bhajan

Thakur was directed by the learned Principal Judge, Family

Court, Jehanabad in maintenance Case No. 14 of 2014 to

pay a monthly sum of Rs. 10,000/- to opposite party Nos.



2 and 3, who are his wife and daughter, towards their maintenance.

2. The aforesaid order was challenged by the husband/Amresh Kumar @ Shiv Bhajan Thakur in Cr. Revision No. 121 of 2016.

3. This Court *vide* order dated 27.03.2018, modified the order of the Family Court, Jehanabad and directed the husband/Amresh Kumar @ Shiv Bhajan Thakur to pay a monthly sum of Rs. 8,000/- to opposite party Nos. 2 and 3 from the month of January, 2018. While modifying the order of the Family Court, this Court took note of the fact that the petitioner/husband had to maintain a brother, who was solely dependent upon him.

4. The wife and the daughter (opposite party Nos. 2 and 3) of the petitioner/husband preferred a modification application *vide* Cr. Misc. No. 31137 of 2018, stating that the order of reduction in the monthly maintenance amount directed by the Trial Court, Jehanabad was passed on wrong assertion of the petitioner/husband that he had to maintain his brother,



who was dependent upon him.

5. Several other grounds were also raised for recall of the aforesaid order.

6. Notice was issued to the husband/opposite party No. 2, pursuant to which he has appeared through a counsel.

7. The learned counsel for the husband/opposite party No. 2 has stated that though his brother was given appointment, but now such appointment is under challenge and he is not getting his salary. It has also been urged that there has not been any substantial hike in his salary and if the Family Court, Jehanabad has assessed from the evidence available that the husband received only Rs. 16,000/- per month as salary, that ought not to be disputed.

8. As opposed to the aforesaid, the submissions on behalf of the wife/petitioner No. 1 is that on date, the husband gets a salary of Rs. 33,000/- per month. It has also been urged that a wrong statement has been made by the husband that he does not have any family property.



9. Without going into the aforesaid version and counter version regarding petitioners' financial health and the responsibilities of the husband/opposite party No. 2, this Court does take into account that more than a year has passed since this Court had directed for payment of Rs. 8,000/- per month to the wife and daughter towards their maintenance. There is no specific denial today of the husband/opposite party No. 2 getting higher salary than Rs. 16,000/- per month. This Court had directed that the reduced amount of Rs. 8,000/- per month shall be payable to the wife and daughter from the month of January, 2018.

10. Considering the passage of time, the cost of life index and no denial of the assertion made on behalf of the wife and the daughter that the husband/opposite party No. 2 gets a salary of more than Rs. 16,000/-, this Court deems it appropriate to modify the aforesaid order dated 27.03.2018, passed in Cr. Revision No. 121 of 20146, to the extent that now the husband/opposite party No. 2 (petitioner in Cr. Revision No. 121 of 2016) would be required to pay an amount of Rs. 10,000/- per month to



his wife and daughter/petitioner Nos. 1 and 2 (opposite party Nos. 2 and 3 in Cr. Revision No. 121 of 2016) respectively, towards their maintenance from the month of August, 2019.

11. With the aforesaid modification/recall of the order dated 27.03.2018, the application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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