

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1292 of 2018

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

=====

Manoj Kumar, Son of Late Bachu Das, Resident of Magadh Colony, Kurji,
P.S. - Digha Town and District- Patna

... .. Petitioner/s/ Respondent

Versus

1. State of Bihar
2. Kajal Kumari, Wife of Manoj Kumar, Daughter of Baijnath Das, Resident of Mohalla Bari Dariyapur, Jamalpur, P.S. Jamalpur District- Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs. Anima Loisa Topno
For the Respondent/s : Mr.Satyendra Narayan Singh

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 26-03-2019

This criminal revision petition has been filed for setting aside the order dated 18. 09. 2018 passed by Principal Judge, Family Court, Munger by which he has directed to pay maintenance of Rs.10,000/- per month to opposite Party No.2, (wife) and two minor children a sum of Rs.5,000/- each.

The marriage between petitioner and opposite party no.2 was solemnized on 10.7. 2008 according to Hindu Rites and Customs and in marriage rupees five lacs, ornaments and other household articles were given to petitioner and from said wedlock, two children were born. It has been alleged by opposite party No. 2 that after marriage her parental family was



being pressurized for a Maruti car and for non- fulfillment of which, she was ousted from matrimonial home and she had to take shelter in her parental home along with minor children. A female child was born to opposite party No.2 on 19.10.2013 and it is alleged that petitioner or any of his family members did not come to see the female child. Opposite Party No.2 has further stated in her maintenance petition that she has no source of income and is not able to maintain herself whereas petitioner is serving in Indian Railway and having good salary and is not maintaining her and his two minor children and as such she has made a prayer for providing maintenance of Rs.20,000/- per month. Petitioner had appeared and filed his show cause. All efforts were made for amicable settlement of the matter but dispute could not be resolved. The factum of marriage as well as two children being born of said marriage between the parties is admitted. It has been submitted on behalf of the petitioner that he is ready to keep his wife and minor children with him but the father of opposite Party number 2 wants to extort money and is not sending his daughter to live with petitioner. In support of her maintenance case opposite Party No.2 has examined two witnesses. PW 1 is Kajal Kumari opposite party no.2 herself and PW 2 is Kanti Devi mother of opposite Party No.2 who



have supported the case for grant for maintenance and deposed that she used to live with her husband for 5 years but thereafter she was abused and assaulted for non- fulfillment of demand of dowry of Maruti car and was ousted from her matrimonial house and female child was born on 19.10. 2013 and thereafter she is leaving in her parental home. On behalf of petitioner, 4 witnesses have been examined. Witness No. 1 Vinod Kumar is elder brother of petitioner and witness no.2 Manoj Kumar is petitioner himself. PW 3 Kishore Kumar is elder brother of petitioner and witness number 4 Punam Kumari Bharti is sister-in-law of petitioner. In his examination in chief, petitioner has stated that on 10. 9. 2009, his father-in-law came to his quarter at Mathura and demanded rupees ten thousand per month and he showed his inability and he took away opposite party- wife with him to pressurize upon him for demand of said amount and also filed a complaint case number 270 C of 2014 in the court of CJM, Munger under section 498 A of Indian Penal Code. It was stated that all of his children are getting education at Jamalpur and his monthly salary is Rs.53,762/-. Witness No.1 Binod Kumar who is elder brother of the petitioner has stated that opposite party (wife) is living separately along with her two children since 2014. He has



admitted that son of the petitioner is studying in Sarswati Shishu Mandir, Jamalpur and daughter of petitioner is studying in Notre Dam Academy, Jamalpur.

After hearing the parties and perusing the order passed by the family court, it is admitted fact that opposite Party No.2 is legally wedded wife of petitioner and she is living separately in her parental house since 2014 along with her two minor children. It has been held by the family court that there was sufficient reason for opposite Party No. 2 to not live with the petitioner and she has not deserted the petitioner but was forced to live separately along with her minor children in her parental home. The petitioner himself has admitted that he is getting salary of rupees about fifty three thousand per month and after due consideration has directed the petitioner to pay Rs. 10,000/- per month to opposite Party No. 2 whereas Rs. 5000/- per month each to minor children from the date of filing of application i.e. 16.05.2014. The maintenance amount of son will continue till he attains majority and maintenance amount of daughter will continue till her marriage.

After hearing the parties and considering the order passed by the family court, this Court does not find any error, illegally or irregularity in the order passed by Family Court.



Accordingly, the present Criminal Revision Petition is dismissed.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2019
Transmission Date	03.04.2019

