

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.898 of 2016**

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

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Rajesh Pathak, son of late Ram Saran Pathak, resident of village-Kurkuri,  
Police Station-Paliganj, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar  
2. Gudiya Devi, wife of Rajesh Pathak, Daughter of Sri Ramesh Mishra,  
Resident of village-Kandap, P.S.-Gaurichak, District-Patna, present residing  
at Bahadurpur Housing Colony, P.S.-Agamkuan, District-Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sarojanand Kumar  
For the Respondent/s : Mr.Sri Shyameshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

5      26-02-2020                      Heard learned counsel for the petitioner.

Petitioner in this case is aggrieved by and dissatisfied with the order dated 10.12.2014 passed in Maintenance Case No. 224(M)/2010 by learned Additional Principal Judge, Family Court, Patna by which a sum Rs. 5,000/- per month has been awarded as maintenance to opposite party no. 2 and further petitioner has been directed to pay Rs.3000/- lump sum towards the litigation cost.

The revision application has been presented before this Court on 06.09.2016 with a huge delay of over one year eight months approximately. In I.A. No. 1779 of 2016 which has been filed for condonation of delay the petitioner has stated that



he had appeared in the court of learned Principal Judge, Family Court and had filed his written statement but later on he went to Madhya Pradesh and could not defend the case properly. In fact, it is a case of abandonment of proceeding by the petitioner who was opposite party no. 2 in the maintenance case.

Although, learned counsel for the petitioner has attempted to assail the impugned order on the ground that it is wife-opposite party who is not living with the husband-petitioner and has indulged in filing other litigations, considering the scope and ambit of the present revision application when this Court called upon learned counsel for the petitioner to demonstrate from the pleadings and the grounds available before the court as to whether the petitioner has been contesting the finding recorded by the learned Principal Judge with regard to his income, learned counsel for the petitioner is unable to demonstrate any pleading or ground challenging the said finding. Before the learned Principal Judge, the case set-up by the wife-opposite party was that this petitioner is running a coaching center for education at Sahdaul in Madhya Pradesh and earns Rs. 20,000/- per month. He has 9 bighas of land at Kurkuri and earns Rs. 1,00,000/- per annum from agriculture. He has also three Kathas of land in Madhya Pradesh and gets



Rs. 6,000/- per month from rent. His mother also gets pension.

In the opinion of this Court, if the findings of the learned Principal Judge, Family Court, Patna with regard to the income of the petitioner remains uncontroverted, this Court finds no reason to condone the delay and entertain the revision application against the paltry amount of maintenance awarded to the wife-opposite party. In the present day's price index of the country a sum of Rs. 5,000/- per month towards maintenance cannot be taken to be an unreasonable amount by any stretch of imagination. Even otherwise, the petitioner had himself decided and abandoned the proceeding in the court of learned Principal Judge, Family Court, thus, on both counts, i.e. limitation as well as on merit there being no case, this Court declines to interfere with the impugned order.

This application is dismissed.

Let the order be executed in accordance with law.

**(Rajeev Ranjan Prasad, J)**

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