

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL REVISION No.162 of 2018**

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

Manoj Kumar Singh, S/o Shree Ram Lakhan Singh @ Ram Lochan Singh,  
R/o Village- Kulharia, P.S.- Koilwar, District- Bhojpur (Arrah).

... .. Petitioner

Versus

Vidya Singh, D/o Shree Kailash Singh, R/o Village- Bidupur, Katharia, P.S.-  
Bidupur, District- Vaishali.

... .. Respondent

**Appearance :**

|                        |                                                                                                                                          |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s : | Mr.Ramakant Sharma, Sr. Advocate<br>Mr. Lakshmi Kant Sharma, Advocate<br>Mr. Rakesh Kumar Sharma, Advocate<br>Mr. Amresh Kumar, Advocate |
| For the Respondent/s : | Mr.Yogesh Chandra Verma, Sr. Advocate<br>Mr. Anuj Kumar, Advocate                                                                        |

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

13    14-02-2020                      Heard learned Senior Counsel for both the parties.

The petitioner in this case is seeking setting aside of the order dated 17.11.2017 passed in Misc. Case No. 06 of 2012 by which the learned Principal Judge, Family Court, Vaishali at Hajipur has been pleased to award a maintenance of Rs. 5,000/- per month to the minor daughter of the petitioner who is sole opposite party in this case, the payment has been directed w.e.f. June, 2014.

In course of argument, learned Senior Counsel for the petitioner does not dispute that the opposite party who is minor daughter of this petitioner is living with her mother separately. It



is also not disputed that the petitioner is engaged in Central Government Service as an Assistant, his salary alone would be at least around Rs. 50,000/- per month. Mr. Sharma, learned Senior Counsel has submitted that in the year 2014 with effect from which the maintenance of Rs. 5,000/- has been awarded, the salary of the petitioner would not have been more than Rs. 30,000/- per month.

Mr. Yogesh Chandra Verma, learned Senior Counsel for the opposite party submits that on a bare reading of the impugned judgment by which a sum of Rs. 5,000/- has been awarded to the opposite party as maintenance it would appear that the opposite party is studying in a school and at the relevant time she was kept in a hostel while studying in Class IX, the learned court below has considered all aspects of the matter and then considering the income of the petitioner a sum of Rs. 5,000/- as maintenance with effect from June 2014 cannot be said to be an unreasonable and exaggerated amount. It is submitted that there being no perversity with the impugned judgment passed by learned Principal Judge, Family Court, Vaishali at Hajipur, this Court need not interfere with the same in its revisional jurisdiction.

Having heard learned Senior Counsel for both the



parties and on perusal of the records, this Court finds that the facts are not in dispute. The opposite party is residing with her mother who has got estrange relationship with the petitioner and right from childhood the opposite party remained with her mother who is also employed and is in fact bearing with the living expenses of the opposite party to some extent. The opposite party has grown up and now she requires more financial assistance to carry on her study and other expenses. Even if the salary of the petitioner is taken to be at Rs. 30,000/- in the year 2014, a maintenance amount of Rs. 5,000/- for his daughter cannot be said to be an unreasonable amount awarded by the learned Principal Judge, Family Court, Vaishali at Hajipur. Now even the salary of the petitioner has been increased over the period and in the given circumstance, this Court finds no reason to interfere with the impugned judgment.

Mr. Verma has pointed out to this Court that although the learned Principal Judge, Family Court, Vaishali at Hajipur had directed the petitioner to pay the arrear of maintenance within a period of four months in four equal installments, nothing has been paid to the opposite party so far. Even the current maintenance since the date of passing of the impugned judgment is not being paid and the opposite party being



daughter of the petitioner has been compelled to contest this case.

At this stage, Mr. Sharma, learned Senior Counsel has shown a good gesture and on his own has submitted that the bank account number of the opposite party/daughter be messaged on the Mobile number 09868854400 of the petitioner and the petitioner shall comply with the order without further delay. Because of this gesture of Mr. Sharma, learned Senior Counsel, this Court is not awarding any cost against the petitioner.

Let the order be complied with within four weeks from the date the information with respect to the account number of the opposite party is messaged to the petitioner.

**(Rajeev Ranjan Prasad, J)**

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