

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.500 of 2018

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

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Ravi Kumar, S/o Sri Yogendra Paswan, r/o village Ram Pur Ugan, Post
Motipur, P.S. Motipur, District – Muzaffarpur

... .. Petitioner/s

Versus

Vijeta Soni, w/o Sri Yogendra Paswan, r/o village Ram Pur Ugan, Post
Motipur, P.S. Motipur, District – Muzaffarpur, at present residing at Ravi
Niwas, Aterdah, Kachhi pakki, P. S. - Sadar, District – Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajneesh

For the Respondent/s : Mr. Nachiketa Jha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

7 05-11-2020 Heard Mr. Rajiv Kumar Verma, learned senior

Advocate for the petitioner and Mr. Ajay Kumar Singh,

learned counsel for the Opposite Party No. 2.

This petition was initially filed against the order

dated 11.01.2018 passed by the learned Principal Judge,

Family Court, Muzaffarpur in Maintenance Case No. 05

of 2017 whereby an interim maintenance of Rs. 8,000/-



per month was directed to be paid to the Opposite Party No. 2 by the petitioner. However, during the pendency of the present petition, a final order was passed by the learned Family Court *vide* order dated 25.07.2018 which has been brought on record by way of an Interlocutory Application. These facts were noted in the order dated 18.08.2018 passed by this Court.

On the request made by the learned counsel for the petitioner to treat the present petition as against the final order, the Court issued notice to the Opposite Party No. 2 / wife, on which Mr. Ajay Kumar Singh, learned Advocate has appeared.

As an interim measure, the interim maintenance amount was reduced from Rs. 8,000/- to Rs. 5,000/- till the issue was decided by this Court.

Today, the learned counsel for the parties have brought on record various documents and have averred contrasting facts with respect to the income of the petitioner.



Mr. Verma, learned senior Advocate submits that the take-home salary of the petitioner is not as much as has been claimed by Opposite Party No. 2, whereas Mr. Ajay Kumar Singh, learned counsel for Opposite Party No. 2 submits that such consideration is of no consequence when quantum of maintenance is fixed by the Court.

In any view of the matter, there is also some dispute with respect to payments of the arrears of the maintenance amount.

This Court is of the view that the court below ought to give a re-look at the matter where the parties would be permitted to make their submissions afresh.

However, that consideration ought not to take longer time.

It is for this reason that this Court remands the matter to the Family Court for taking a fresh look on the basis of submissions advanced on behalf of the parties.

The proceedings shall be concluded within a



period of 60 days from the date of the first appearance of the parties after remand.

In case there is any delay on the part of the petitioner in approaching the Court or participating in the proceedings, it be viewed adversely by the court below.

The reduction in the final order of Rs. 3,000/- per month as an interim measure, would also be given a re-look and if it is found that the statement of the petitioner regarding his income on which interim maintenance or final maintenance could have been calculated was not correct, then, for that period that the petitioner has paid only Rs. 5,000/- to Opposite Party No. 2, he would be required to pay further Rs. 3,000/- for every such month, which amount shall be calculated and saddled upon the petitioner.

The court below shall take into account all relevant facts and shall pass a final order within a period of 60 days as directed / stipulated above.

The matter is remanded and disposed off



accordingly.

(Ashutosh Kumar, J)

skm/-

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