

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.688 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

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Pankaj Kumar, S/o Sri Rajkishore Singh, R/o village- Badhonia, P.O.-
Badhonia, P.S.- Sangrampur, District- Munger

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Laxmi Devi @ Laxmi Kumari D/o Bisundeo Prasad Singh, W/o Pankaj Kumar Presently residence of Village- Sautadih, P.O. Belhar, P.S.- Belhar, District- Banka
3. Pawani Kumari D/o Pankaj Kumar Under the guardianship of her mother Laxmi Devi @ Laxmi Kumari , R/o village- Sautadih, P.O. and P.S.- Belhar, District- Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Respondent/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-02-2020 Heard learned counsel for the petitioner and the State.

Petitioner in this case is aggrieved and dissatisfied with the order dated 11.02.2019 passed by learned Principal Judge, Family Court, Banka in Misc. (Maintenance) Case No.91/2017 by which after discussing the materials on the record, learned Principal Judge has awarded a sum of Rs.4000/- per month to the opposite party no.2 towards her maintenance and maintenance towards her minor daughter.

Learned counsel for the petitioner submits that the petitioner is ready and willing to keep the opposite party and the minor daughter with him but it is the opposite party who is not



wiling to live with him and, therefore, an attempt for mediation be taken.

So far as the legal aspect of the impugned judgment in the present revision application is concerned, there is no pleading before this Court that the finding recorded by the learned court below saying that this petitioner is a skilled labourer and earns at least a sum of Rs.12,000/- per month from his skill working in a factory at Gujarat suffers from any infirmity.

Learned counsel for the petitioner submits that the grandfather of the minor daughter has deposited a sum of Rs.2 lacs in fixed deposit and even this petitioner had been depositing certain amount in the post office to arrange for necessary fund towards study and the marriage of his daughter but opposite party no.2 wanted that this petitioner should live with her in Maiké and that is the cause of dispute.

Be that as it may, in the opinion of this Court if the petitioner is seeking a mediation with his wife, he may seek his remedy as may be advised to him before the appropriate forum. So far as the impugned judgment is concerned, the finding with regard to the income of the petitioner has not been assailed and amount of maintenance awarded to his wife and daughter are



only Rs.2,000/- to each of them which cannot be said to be an unreasonable or exaggerated amount in the present day's economic condition and the price index of the country.

So far as the submission that the grandfather has arranged the fixed deposit of Rs.2 lacs in the name of granddaughter is concerned, it is open for the petitioner to utilize the interest received from the said fixed deposit towards meeting his liabilities to maintain the daughter.

With the aforesaid observations, this revision application is disposed of.

(Rajeev Ranjan Prasad, J)

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