

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.762 of 2019

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

Md. Mahfuzrahman @ Mahafuz Urarahman Son of Late Hakim Abdul Rahman @ Late Abdul Rahman @ Abdul Rahman @ Hakim Abdul Rahman Marhum Resident of Village- Bakhri Garhi Tola, Bakhri West Ward No. 10, P.O. and P.S.- Bakhri, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Razia Khatun Wife of Md. Mahfuzrahman @ Mahafuz Urarahman, daughter of Late Hanif Resident of Village- Bakhri Garhi Tola, Bakhri West Ward No. 10, P.O. and P.S.- Bakhri, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-02-2020 Heard learned counsel for the petitioner and the State.

Petitioner, in the present case, is seeking setting aside of the impugned judgment dated 16.03.2019 passed by the learned Principal Judge, Family Court, Begusarai in Maintenance Case No.120M of 2014 by which the learned Principal Judge has awarded a sum of Rs.5,000/- per month to the opposite party no.2 as maintenance with effect from the date of filing of the petition i.e. 27.06.2014 and has further directed the petitioner to pay a sum of Rs.3,000/- to the opposite party no.2 as litigation cost.

On perusal of the impugned order, it appears that in



the court below both the parties have adduced their respective evidences. The case of the petitioner was that the opposite party has a good skill for earning as the owner of 20 rickshaws from which he earns Rs.600/- per day, he is also a motor mechanic and has a motor garage from which he earns Rs.20,000-25,000 per month. He has also agricultural land from which he earns Rs.25,000/- per year. The stand of the applicant-wife was that she was ill for many years but the husband-opposite party was not taking care of her. He had admittedly solemnized another marriage whereas the applicant-wife has not solemnized any marriage and as such she would be entitled for maintenance.

Learned counsel for the husband who was opposite party in the court below has assailed the impugned judgment on the grounds inter-alia that the husband had taken a stand in the court below that he had divorced the applicant-wife and she was living with her three children born out of their wedlock. He also took a plea that he has no rickshaw and he was fully dependent upon his children.

The learned Principal Judge returned a finding that the husband-opposite party was not maintaining the applicant who happened to be the legally wedded wife, since



long, he had re-married also and he has an obligation to maintain the applicant.

This Court finds from the records that the learned Principle Judge has awarded a maintenance of Rs.5,000/- per month only and in the present day's condition of the economy and price index of the country a sum of Rs.5,000/- cannot be said to be unreasonable and exaggerated amount awarded by the learned Principle Judge and as such this Court finds no reason to interfere with this paltry amount of maintenance which has been awarded in favour of the opposite party.

In the revision application as well as the grounds taken in the application there is neither any statement nor any ground that the evidence led by the applicant-wife stating that the petitioner has got 20 rickshaws, he is a motor mechanic and has got a motor garage is not correct.

In the given facts and circumstances of the case, this Court finds no reason to interfere with the impugned judgment.

This application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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