

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.888 of 2017

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

Gautam Prasad Verma Son of Krishna Prasad Verma @ Karu Saw sonar, R/o Village and Post- Belaganj, Andar Bazar, Gautam Jewellers, P.S.- Belaganj, District- Gaya. Petitioner

Versus

1. State Of Bihar
2. Guria Devi D/o Lakhan Saw Sonar, R/o village and Post sirdala, P.S.- sirdals, District- Nawada. Respondent

Appearance :

For the Petitioner/s : Mr. Sandip Kumar, Advocate
Mr. Krishna Deo Raj, Advocate
For the Respondent/s : Mr.Devendra Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-02-2020 Heard learned counsel for the petitioner and learned counsel representing Opposite Party No. 2.

The petitioner in the present case is challenging the order dated 25.07.2017 passed by learned Principal Judge, Family Court, Nawada in Maintenance Case no. 68 of 2013 by which the petitioner has been directed to make payment of Rs. 7000/- per month to the opposite parties from the date of order dated 25.07.2017 regularly by 15 of every month.

Learned counsel for the petitioner submits that there was no material before the learned Principal Judge, Family Court, Nawada to take a view that this petitioner is having a jewelry shop and is engaged in trade of ornaments.

Learned counsel has challenged the impugned order



awarding maintenance of Rs. 7000/- per month in favour of opposite party no. 2. It is his submission that he is already paying Rs. 3500/- per month to opposite party no. 2 in view of the interim order passed at the time of seeking anticipatory bail before this Court.

On the other hand, learned counsel representing opposite party no. 2 submits that the fact that the petitioner is engaged in his family business and has a jewelry shop has been stated by non-else than his own witness and this fact has been taken note of by the learned Principal judge, Family Court in paragraph '13' of the impugned judgment. It is submitted that the petitioner belongs to a business family and in tradition of the family he is engaged in the jewelry shop and therefore, there is no wrong with the finding recorded by the learned court below while granting maintenance to the opposite part no. 2.

It is further submitted that the maintenance amount is reasonable and by no stretch of imagination it can be said to be disproportionate to the income of the petitioner. Learned counsel has further pointed out that even before this Court there is no ground that the petitioner is not engaged in the family business of jewelry shop.

Considering the facts and circumstances of the case



and the materials available on the record, this Court finds that the learned Principal Judge has taken note of the evidence of opposite party witness no. 3 who has stated in his deposition that the petitioner's jewelry shop is situated beside his shop and in such circumstance the learned Principal Judge has taken a view that the petitioner is engaged in his family business of jewelry shop, therefore, awarded a sum of Rs. 7000/- per month as maintenance and has also stated that the interim amount of Rs. 3500/- would be adjusted from the said amount of Rs. 7000/-. No illegality or infirmity may be found with the impugned order either with the findings or on the quantum of maintenance.

Learned counsel for the petitioner has vehemently submitted that the petitioner is looking for a settlement with the opposite party no. 2.

In the opinion of this Court, it will be open for the petitioner to seek such settlement in accordance with law in the court below.

So far as this application is concerned, it fails and is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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