

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.400 of 2018

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

=====

Bilkis Tara W/o Md. Nasim and D/o Late Iqbal Ahmad, Present R/o Vill. and
P.O.- Sabeya, P.S.- Ramnagar, District- West Champaran.

... .. Petitioner

Versus

1. The State Of Bihar
2. Md. Nasim S/o Late Sheikh Abid, R/o Vill. and P.O.- Mahui, Nawka Tola,
P.S.- Ramnagar, District- West Champaran.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Amarendra Nath Verma, Advocate
For the Respondent/s	:	Mr. Md. Fahimmuddin, APP
For O. P.	:	Mr. Pratyush Pratap Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 13-02-2020 Heard learned counsel for the petitioner and learned
and learned counsel for the opposite party no. 2.

The petitioner in this case is aggrieved by and dissatisfied with the order dated 22.02.2018 passed in Maintenance Case No. 03-M of 2013 by which learned Principal Judge, Family Court, West Champaran at Bettiah has despite recording a finding that the husband of the petitioner is earning a sum of Rs. 10,000/- per month, awarded only sum of Rs. 1200/- per month as maintenance amount to the petitioner.

Learned counsel submits that there is no challenge to the finding of the learned court below that the husband of the petitioner earns Rs. 10,000/- per month at least and when this finding alone is taken into consideration, there is no reason why



he will part with only Rs. 1200/- per month in favour of his wife and it is the obligation of the husband to keep his wife in the same status, dignity and in the same conditions.

Learned counsel for the opposite party no. 2 has though opposed the application but in course of argument he is unable to demonstrate that there is any challenge to the finding of the learned Principal Judge, Family Court, West Champaran that the opposite party no. 2 is earning Rs. 10,000/- per month.

In the given facts and circumstances of the case, where the finding with regard to the income of the opposite party no. 2 has remained unchallenged, this Court deems it just and proper to set-aside the impugned order/judgment dated 22.02.2018 with regard to quantum of maintenance allowed to the petitioner and considering that the maintenance case is of the year 2013 and no fruitful purpose will be served by sending back the case once again to the court below to decide on the quantum, modify the quantum of maintenance, the opposite party no. 2 shall pay a sum of Rs. 3000/- (three thousand) per month to the petitioner from the date of the application i.e. 07.03.2013, within a period of three months from today.

The current maintenance amount must be paid by 10th day of each following month by the opposite party no. 2. So far



as the arrears are concerned, those should be paid within the
aforesaid period of three months.

It will be open for the parties to seek their remedy for
varying/modification of the maintenance amount in accordance
with Section 127 of the Cr.P.C. if occasion so arises and in
accordance with law.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

