

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1583 of 2019

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

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Pawan Kumar Singh Son of Late Triveni Singh, Resident of Village-Bhewar,
Sikaria (Musepur), Police Station-Karauna, District-Jehanabad.

... .. Petitioner

Versus

1. Babita Devi Wife of Pawan Kumar Singh, Daughter of Ramnandan Singh presently residing at village-Dubhal, Police Station-Magadh Medical College, Gaya, District-Gaya.
2. Muskan Kumari Daughter of Pawan Kumar Singh presently residing at village-Dubhal, Police Station-Magadh Medical College, Gaya, District-Gaya.
3. Abhishek Kumar Son of Pawan Kumar Singh presently residing at village-Dubhal, Police Station-Magadh Medical College, Gaya, District-Gaya.
4. Aashu Kumar Son of Pawan Kumar Singh presently residing at village-Dubhal, Police Station-Magadh Medical College, Gaya, District-Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr.Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking setting aside
of the order dated 19.09.2019 passed by learned Principal Judge,
Family Court, Gaya in Misc. Case No. 74 of 2009 whereby and
whereunder an application under Section 125 has finally been
disposed of directing the petitioner to pay the maintenance @ of
Rs. Nine thousand per month as prayed by O.P. No. -1 and a
sum of Rs.3000/- per month for each of her three children since



date of filing i.e. 06.10.2019 till the month of August, 2019.

Mr. Priyadershi, learned counsel representing the petitioner has assailed the impugned judgment mainly on the ground that this petitioner having been appointed in government service on compassionate ground has to take upon himself the obligation of his family such as mother and younger brother. It is his submission that the learned Principal Judge, Family Court, Gaya has awarded a sum of Rs. 9,000/- per month to the wife (opposite party no. 1) and Rs. 3,000/- per month to each of the minor children (opposite party nos. 2 to 4) without there being any basis however the amount so awarded is disproportionate to the income of the petitioner.

In order to appreciate the submission of learned counsel for the petitioner when this Court went into the materials available on the record it has been noticed from order dated 06.02.2016 passed by learned Principal Judge, Family Court, Jehanabad in Matrimonial Case No. 79 of 2008 (Annexure '2') which was filed by this petitioner for restitution of his conjugal rights that the mother of this petitioner had appeared as a witness at the instance of this petitioner in the said case and in course of her deposition she has stated that she was residing with her daughter and son-in-law and her younger son



was residing with his family separately at the place of his service.

It is, thus, evident from the materials available on the record that contrary to the submission of learned counsel for the petitioner it has come on record that neither the mother of this petitioner nor his younger brother are a burden upon him. Further on perusal of the impugned judgment it is found that this petitioner being the opposite party in the court below has not adduced any evidence to controvert the material brought by the applicant wife that the petitioner is in a government service and at the relevant time he was getting a salary of Rs. 47,157/-. In the revision application preferred before this Court the petitioner has not controverted the fact that he is getting the salary which is at least Rs. 47,157/- which has come on record.

In these circumstances, where the petitioner has not brought any evidence in the court below to show that anybody else is depending upon him and that he is not getting the salary as has been stated by the applicant wife, this Court finds that the amount of maintenance awarded to the wife and three minor children being a total amount of Rs. 18,000/- per month is reasonable and requires no interference by this Court.

It is well settled by judicial pronouncements that the



husband is obliged to maintain his wife and dependent children commensurate to his own status and life style. Even after paying Rs. 18,000/- per month, the petitioner is left with Rs. 30,000/- approximately for his own expenses and therefore no unreasonableness may be found with the impugned order.

This application has, thus, no merit and it is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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