

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.159 of 2019

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

Prayag Sah, son of Ramchander Sah, resident of village-Dumria, Police Station - Mohamadpur, District -Gopalganj.

... .. Petitioner

Versus

Kalawati Devi, claimed to be wife of Prayag Sah, D/o Sona Sah, R/o village-Rasauli (Turha Tola), P.S- Panapur, District – Saran.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

This Revision Application has been filed for setting-aside the judgment dated 6th October, 2018 passed by learned Principal Judge, Family Court, Saran at Chapra in Maintenance Case No. 49 of 2010. By the impugned judgment, the learned Family Court has been pleased to direct the petitioner to pay a sum of Rs. 2000/- per month as monthly allowance to his wife.

This Court has perused the impugned judgment. It appears that in support of her claim for maintenance the applicant-wife produced herself and four other witnesses whereas the opposite party produced four witnesses. On



behalf of the opposite party, the certified copy of deposition of his wife recorded in Trial No. 2521 of 2008 and certified copy of the judgment dated 11.08.2011 passed in C. No. 2211/2006/Trial No. 320/2011 were produced. The learned Principal Judge, Family Court has found that the marriage of the petitioner had been solemnized with the opposite party in the year 1992 and after marriage she went to her in-laws house. It has been found that the petitioner solemnized a second marriage with the sister of his brother's wife and neglected the applicant-wife. Exhibit – '1' is the certified copy of the compromise petition in which the husband-petitioner has given assurance that he is ready to pay Rs. 1000/- per month to the applicant-wife and is further ready to transfer his 1/4th share of his land in her favour. On this compromise petition both the parties and their witnesses put their signature. The learned Principal Judge, Family Court has found that the marriage between the petitioner and the applicant-wife is admitted.

After an elaborate discussion of the evidences produced on behalf of the opposite party-husband the learned Principal Judge, Family Court has found that it is an



admitted fact that the compromise had taken place in between the parties. As regards Exhibit 'A' & 'B' which were produced on behalf of the husband, the learned Principal Judge, Family Court has recorded a finding that the opposite party—husband had developed relationship with the petitioner and the same is evident from Exhibit '1' i.e. compromise petition.

This Court finds that the learned Principal Judge, Family Court, Saran at Chapra has awarded a meagre sum of Rs. 2000/- per month to the applicant-wife which by no means may be said to be excessive. It has been rightly held that the petitioner being husband is under legal and moral duty to maintain his wife.

This Court, therefore, finds no reason to interfere with the impugned judgment.

This Revision Application is dismissed.

The learned Principal Judge, Family Court, Saran at Chapra shall proceed to execute the impugned judgment as expeditiously as possible.

If the petitioner has not paid any maintenance amount to the opposite party during all these years, he will



be liable to pay the entire arrears as well as the current maintenance with additional amount of Rs. 25,000/- which this Court imposes as cost upon him for keeping his wife engaged in litigation for maintenance since the year 2010.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

