

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.138 of 2019

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

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Sushil Kumar, S/o Ashok Kumar @ Ashok Sah Resident of Ward No. 6-
Sanhauli, P.S.-Chitragupta Nagar (Khagaria), District -Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhagyalaxmi Kumari, wife of Sushil Kumar D/o- Lakhan Prasad Resident
of Mohalla- Sharda Nagar, Ward No. 19, P.S.- Sayak, K Hat, District -Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

For the State : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 21-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in this case is seeking setting aside of the
impugned judgment dated 17.11.2017 passed by the learned
Principal Judge, Family Court, Purnea in Maintenance Case
No.163 of 2012. By the impugned order/judgment, the learned
Principal Judge has allowed a monthly maintenance of
Rs.2200/- per month to the applicant-wife.

On perusal of the impugned order/judgment it appears
that both the parties were duly heard. They were given an
opportunity to adduce their respective evidences. The evidences
adduced on behalf of the husband would show that he was
getting a monthly salary of Rs.6600/- while posted as Panchayat



Rozgar Sewak. The opposite party himself admitted that he was working as Panchayat Rozgar Sewak and his salary was Rs.6681/-.

Under these circumstances, if the learned court below has allowed a monthly maintenance of Rs.2200/- per month to his wife, no illegality or infirmity may be found with the same.

If the petitioner has not paid the maintenance in terms of the judgment of the learned court below, he would be liable to pay an additional sum of Rs.25,000/- as cost to his wife for getting her engaged in litigation all through these years.

It is worth mentioning that the maintenance case was filed in the year 2012 and ten years have gone thereafter. The learned Principal Judge, Family Court, Purnea shall examine this aspect of the petitioner and in case it is found that he had not paid the amount in terms of the order of the court, the entire arrears and current maintenance together with a cost of Rs.25,000/- shall be realized from the petitioner.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

