

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.156 of 2020

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

Hari Shankar Sharma Son of Jagdhish Sharma Resident of Village- Singtam
Nagar Panchayat, Chisopani Near manpari Bridge Singtam Forest Block, P.S.-
Singtam East Sikkim, District- Gangtok, State- Sikkim.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Rani Wife of Sri Hari Shankar Sharma, Daughter of Dinesh Prasad
Sharma Resident of Village- Supaul, P.S.- Patori, District- Samastipur.

... .. Opposite Partys

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the O.P.No.2	:	Mr.Ganesh Prasad Singh, Advocate
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-12-2022 Heard learned counsel for the petitioner and learned
counsel for the opposite party no.2 as well as learned APP for
the State.

In view of the order dated 23.11.2022 passed by this
Court, the learned Principal Judge, Family Court, Samstipur has
submitted a report as contained in letter no.245 dated
05.12.2022. A perusal thereof would show that the petitioner is
not paying the maintenance amount to the applicant-wife. The
report says that earlier on 20.03.2021 the petitioner had made
payment of Rs.5,000/- and thereafter on 18.04.2022 he has
made payment of Rs.6,000/- and Rs.5,000/- only to his wife.

Perusal of the impugned order shows that the



petitioner is employed in one Tapasya Engineering Works Pvt. Ltd. in Sikkim on annual package of Rs.4.8 lacs. In this connection, his salary slip (Ext.-4) has been relied upon by the learned Principal Judge, Family Court. The learned Principal Judge, Family Court has found that the opposite party-petitioner has neither asserted in his show cause nor has adduced any evidence to contradict the stand of the applicant-wife that she happens to be the legally wedded wife of the opposite party-petitioner and that she has no means and income to maintain herself and her minor daughter. The opposite party has himself admitted that he is having a private job as engineer in a company at Bombay, thus, the learned Family Court has awarded a sum of Rs.6000/- to minor daughter who is school going girl and a sum of Rs.5000/- to the applicant-wife.

Earlier while passing the order dated 23.11.2022, this Court had called upon the petitioner to submit his reply as to why the impugned judgment if sustains the test in revision be not made applicable with effect from the date of the institution of the maintenance case in the learned Family Court.

Since there is no reply on the said point and this Court finds that in the case of *Rajnesh Vs. Neha & Ors. reported in (2021) 2 SCC 324*, the Hon'ble Supreme Court has settled this issue by holding that the maintenance should be allowed from the date of



institution of the application, this Court has no hesitation in recording that the impugned judgment needs no interference rather the amount of maintenance awarded to the applicant-wife and her minor daughter be made applicable from the date of institution of the application. Accordingly, the petitioner would be liable to pay the maintenance from the date of institution of the Maintenance Case No.124/2017.

This Court finds no illegality and infirmity with the impugned judgment. Accordingly, this revision application is dismissed.

Let the learned Principal Judge, Family Court, Samastipur enforce the impugned judgment.

(Rajeev Ranjan Prasad, J)

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