

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.343 of 2019**

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

MD. MINHAZ @ MD. MINAZUDDIN Son of Late Babu Miyan Resident of Mohall-Bandhu Bazar, Sahsarai, P.S.-Sahsarai, District-Nalanda present address- c/o shahav uddin, Aligarh Bhojpurwa Chauraha, near s.k. Loj, p.s. Bhojpurwa, District- Aligarh, U.P.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE SUPERINTENDENT OF POLICE, NALANDA AND ORS Bihar
2. Rehana Khatoon Wife of Md. Minhaz @ Minazuddin, Daughter of Md. Imam Uddin Resident of Mohalla-Bandhu Bazar, Sahsarai, P.S.-Sohsarai, District-Nalanda
3. Md. Ishan Son of Md. Minhaz @ Md. Minazuddin Resident of Mohalla-Bandhu Bazar, Sahsarai, P.S.-Sohsarai, District-Nalanda
4. Simran Daughter of Md. Minhaz @ Md. Minazuddin Resident of Mohalla-Bandhu Bazar, Sahsarai, P.S.-Sohsarai, District-Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suryakant Kumar, Advocate
For the Respondent/s : Mr.Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 23-09-2022 Petitioner in this case is aggrieved by and dissatisfied with the order dated 27.11.2018 passed by learned Principal Judge, Family Court, Bihar Sharif, Nalanda whereby and whereunder the learned court has been pleased to allow the maintenance allowance of Rs.2,000/- to the applicant-wife and Rs. 1000/- each to the two minor children.

Learned counsel for the petitioner submits that earlier the petitioner was working at Aligarh but now he keeps on shift-



ing between Aligarh and Delhi.

Learned counsel submits that the income of the petitioner is in between Rs. 8000/- to 10,000/- per month as told to him.

As regards, the payment of maintenance to his wife and two minor children, learned counsel for the petitioner has no instruction as to whether the petitioner has been paying anything to them. It is his submission that the maintenance amount be reduced to Rs.3,000/- which the petitioner would pay.

Mr. Madan Kumar, learned APP for the State is present.

This Court has perused the impugned judgment. In course of evidence, it has come that the opposite party – petitioner was working at Aligarh in a private company and is earning there Rs.15,000/- per month at the relevant time. He had neglected his wife and two minor children.

In the given facts and circumstances, this Court finds that no illegality or infirmity has been committed by the learned Court below in awarding the maintenance to the neglected wife and two minor children of the petitioner. A sum of Rs.2,000/- per month and Rs.1,000/- cannot be by any stretch of imagination said to be excessive rather one can understand that even



with this amount it would be very difficult for any human being to live in.

From the submissions of learned counsel for the petitioner it does not appear that the petitioner is paying his wife and minor children. If it is so this Court is of the considered opinion that he would be liable not only to pay the entire arrears and current maintenance but also an additional sum of Rs.25,000/- as cost to his wife. He has kept engaged his wife and minor children for more than 9 years in fighting litigation.

The learned Principal Judge, Family Court shall look into this aspect of the matter and if it is found that the petitioner has not paid the maintenance amount to his wife and minor children, the entire arrears and current maintenance shall be realized together with cost of Rs.25,000/- as expeditiously as possible.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

U			
---	--	--	--

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'.

