

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.966 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Mukesh Gupta @ Mukesh Kumar Gupta S/o Shri Satyanarayan Prasad, R/o
Vill.- Khajuriya, P.S.- Kotwa, District- East Chmaparan. Petitioner
Versus

1. State Of Bihar
2. Kumari Pushpa @ Pushpa Kumari W/o Mukesh Gupta, R/o Vill.- Khajuriya,
P.S.- Kotwa, District- East Champaran, Presently Residing as D/o Ganga
Sagar Prasad, R/o Vill.- Radhiya, P.S.- Govindganj, District- East
Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr.
For the State : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2022 Once again no one appears on behalf of the petitioner to
press this application. Earlier this matter has been adjourned on
15.07.2022 and 22.07.2022.

Since the revision application is of the year 2018 and it
relates to payment of maintenance allowance to the O.P. No. 2, this
Court deems it just and proper to dispose of this revision application
on its own merit.

The petitioner in the present case is aggrieved by and
dissatisfied with the order dated 11.06.2018 passed by learned
Principal Judge, Family Court, Motihari, East Champaran in
Maintenance Case No. 166 of 2015 by which the learned court below
has directed the petitioner to pay maintenance amount of Rs.4,000/-
per month to O.P. No. 2.

On perusal of the impugned order, it appears that
admittedly the O.P. No. 2 has no independent source of income



whereas her husband who is the petitioner before this Court is earning in a private company in Nepal and earns at least Rs. 10,000/- in Nepali currency. Although it was his plea that the applicant-wife is running a private school from which she is earning a sum of Rs.20-25 thousand per month but he could not bring any evidence to that effect in the learned court below.

Considering the facts and circumstances of the case wherein the learned court below has awarded a sum of Rs.4,000/- only towards maintenance of O.P. No. 2 which is a meagre amount in the present days economic conditions, this Court finds no reason to interfere with the impugned order.

Let the impugned order be enforced by the learned court below.

The petitioner has taken a plea that he is paying Rs.2,000/- per month to the opposite party, if it is so, in view of the judgment of the Hon'ble Supreme Court in the case of **Rajnish vs. Neha and Ors.** reported in **(2021) 2 SCC 324** while paying the amount of maintenance in the impugned order adjustment of the said amount of Rs.2,000/- shall be given to the petitioner.

The application stands disposed of accordingly.

(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'.

