

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.344 of 2020

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

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Md. Reza @ Ghotani Son Of Md Mansur @ Lalbabu Resident Of Village -
Andauli, P.S.- Parihar, District - Sitamarhi.

... .. Petitioner

Versus

Md. Afsana Khatoon Wife Of Md. Reza @ Ghotani Resident Of Village -
Andauli, P.S.- Parihar, District - Sitamarhi.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate
For the State : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-06-2022 Heard Learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 09.12.2019 passed by Principal Judge, Family Court, Sitamarhi in connection with Maintenance Case No. 118 of 2016 which according to the petitioner was passed one sided without appearance of the petitioner and further recall petition filed by the petitioner was not entertained.

Learned counsel for the petitioner submits that the amount awarded to opposite party is too harsh and excessive. The submission is that the petitioner is working as a labourer at Mumbai and his monthly income is not sufficient to pay a sum of Rs. 8,500/- per month to his wife and three children.

Learned APP for the State has, however, opposed this application. It is his submission that in the learned court below, the



opposite party had produced at least 4 witnesses and they have deposed that the petitioner has his own business at Mumbai and has sufficient landed property. It is his submission that on behalf of the opposite party-petitioner, his brother and one acquaintance of the petitioner have deposed as OPW 1 and OPW 2. The witnesses have admitted to the extent that the opposite party and her three children are residing at the house of the parents of the opposite party. OPW No. 1 has accepted in course of his deposition that this petitioner has solemnised a second marriage.

This Court has carefully gone through the impugned judgment passed by learned Principal Judge, Family Court, Sitamarhi. It appears that the petitioner has solemnised second marriage and has neglected his first wife and three children who have been compelled to live at the parents house of opposite party. Learned Principal Judge has awarded a sum of Rs. 4,000/- per month to the wife and Rs. 1,500/- per month to each of the three children which in the opinion of this Court cannot be said to be an exaggerated amount. This Court, therefore, is not persuaded to interfere with the impugned judgment.

The revision application is, thus, dismissed.

(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'.

