

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.519 of 2020

Arvind Singh @ Arvind Singh Dangi Son of Vishwanath Singh Dangi,
resident of Village - Paluhara, Police Station- Gurua, District - Gaya (Bihar).

... .. Petitioner/s

Versus

1. Indu Kumari Wife of Arvind Singh Resident of Village - Paluhara, Police Station- Gurua, District - Gaya. At present resident of Jail Road, Hemjapur, Police Station - Amas, District - Gaya (Bihar).
2. Priyanka Kumari daughter of Arvind Singh, Resident of Village - Paluhara, Police Station- Gurua, District - Gaya. At present resident of Jail Road, Hemjapur, Police Station - Amas, District - Gaya (Bihar).
3. Praveen Saxena Son of Arvind Singh, Resident of Village - Paluhara, Police Station- Gurua, District - Gaya. At present resident of Jail Road, Hemjapur, Police Station - Amas, District - Gaya (Bihar).
4. Anjali Kumari daughter of Arvind Singh, Resident of Village - Paluhara, Police Station- Gurua, District - Gaya. At present resident of Jail Road, Hemjapur, Police Station - Amas, District - Gaya (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Arvind Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 24-03-2022 Heard the learned counsel for the petitioner as well
as the learned counsel for the respondents.

By the impugned order, the learned Principal Judge, Family Court, Gaya has been pleased to award Rs. 5000/- per month to the respondents, who are wife, two daughters and a son of the petitioner as maintenance on the petition filed on behalf of the petitioners (respondents herein) under Section 125 of the Code of Criminal Procedure (hereinafter to be referred to as 'the Code').

The learned counsel for the petitioner has submitted that the learned court below erred in giving the finding as it is



evident from paragraph no.21 of the impugned order that there was no specific evidence on the income of the present petitioner. In her petition under Section 125 of the Code, the petitioner Indu Kumari (respondent no.1 herein) has mentioned that her husband is a truck driver and is earning Rs. 15,000/- to 20,000/- per month, whereas the petitioner in his rejoinder to that petition has mentioned that he is an employee in a private Company and is earning Rs.3,954/-

It is true that no specific evidence was led on the point of income of the petitioner, but it is settled law that even non-earning person is under obligation to maintain his wife and minor children.

The respondent no.1 claims that her husband is a truck driver and is earning Rs. 15,000/- to 20,000/- per month which has not specifically been denied by the petitioner, rather it has been stated by him that he was an employee in a Company. He has not mentioned as to what was his job or the nature of his job.

From perusal of paragraph 21 of the impugned order of the learned Principal Judge, Family Court, Gaya, it appears that the claimant has made a prayer for maintenance of Rs. 5,000/- for herself and Rs.10,000/- for her son and two



daughters, but as there was no specific evidence on income, the learned Principal Judge, Family Court has granted only Rs. 5,000/- to the wife and three children. In my view the amount granted by the Principal Judge, Family Court is not excessive.

I do not see any reason to interfere with the order of the learned Principal Judge, Family Court. The application is accordingly dismissed.

(Nawneet Kumar Pandey, J)

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