

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.676 of 2018**

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

Santosh Kumar Pandey @ Santosh Pandey, Son of Mohan Pandey, Resident
of Village- Jalaha, P.S.- Sangram Pur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nitu Kumari, Wife of Santosh Kumar Pandey daughter of Bhuneshwar Dutt Dubeydi,
3. Nitika minor daughter of Santosh Kumar Pandey uner the natural guardian ship of her mother Nitu Kumari.
4. Rahul Minor, Son of Santosh Kumar Pandey under the natural guardian ship of his mother Nitu Kumari, all are resident of Village- Bariyariya, P.S.- Sangram Pur, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Shankar Shrivastava, Adv.
For the State	:	Mr.Akhileshwar Dayal, APP
For the O.P.No.2 to 4	:	Mr.Madhurendra Kumar, Adv.

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

2 01-07-2022 Heard learned counsel for the petitioner, learned counsel for the Opposite Party No.2 to 4 and learned APP for the State.

Petitioner in the present case is aggrieved by and dissatisfied with the judgment dated 16.05.2018 passed in Maintenance Case No.348 of 2014. By the impugned judgment/order, the learned Principal Judge, Family Court, East Champaran, Motihari has been pleased to direct the petitioner being the father of opposite party nos.3 and 4 to pay a sum of



Rs.5,000/- to each of them towards maintenance.

From the impugned judgment it appears that the petitioner was a constable posted in Indian Army. The opposite party no.2 is the legally wedded wife of the petitioner whereas the opposite party nos.3 and 4 are the minor daughter and minor son of the petitioner who are presently living with their mother (opposite party no.2).

In course of evidence, it was found that the opposite party no.2 is working as a teacher and her salary is Rs.22,000/- per month, therefore, the learned court below did not award any maintenance to her. So far as the income of the petitioner is concerned, the applicant-wife deposed in the court below that petitioner has a salary of about Rs.50,000/- per month which the petitioner denied and in course of his cross-examination he said that he will produce the salary slip but thereafter he did not produce his salary slip. His lawyer had said about filing of an affidavit but even that affidavit was not filed. It further appears that the learned court below recorded a finding that the petitioner was getting a salary of Rs.26,700/- and by virtue of an order of the Hon'ble High Court in Cr.Misc.No.43095 of 2015 he was paying a sum of Rs.4,000/- per month since October, 2015 in the account of opposite party no.2. The learned Family



Court, therefore, while awarding a sum of Rs.10,000/- per month i.e. Rs.5,000/- to each of opposite party nos.3 and 4 directed that earlier amount of Rs.4,000/- per month paid to the opposite parties shall be adjusted and arrear of the amount shall be kept in fixed deposit in a bank for purpose of meeting the marriage expenditure of the daughter.

Learned counsel for the petitioner submits that the amount awarded to the minor daughter and minor son is excessive. It is also submitted that the petitioner has retired from Army and is presently getting a pension of Rs.20,000/- per month from which he has to meet his expenses and some other family expenses. Learned counsel, however does not disclose that how much amount of retiral benefits have been received by the petitioner and what are the other sources of the income of the petitioner.

On the other hand, learned counsel for the opposite parties has opposed this application. It is submitted that the petitioner was getting a handsome amount of salary and even on retirement he has received substantial amount on account of retrial dues but he wants to avoid payment of maintenance amount to his two minor daughter and son respectively.

Having regard to the submissions noted hereinabove



and the materials on the record, this Court is of the considered opinion that the judgment/order of the learned Principal Judge, Family Court, East Champaran, Motihari is a well considered judgment. Admittedly, the petitioner was serving in Army and taking into consideration his salary, award of a sum of Rs.5,000/- to opposite party nos.3 and 4 cannot be said to be excessive. After all they are minor daughter and son of the petitioner and the petitioner must meet their maintenance. Even as on today he is getting a pension amount of Rs.20,000/- per month and he has definitely received substantial amount on account of retiral benefits which he is not disclosing here.

In these circumstances, this Court would not interfere with the impugned judgment/order. This revision application is 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'.

